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THE CLAIMS OF THE CANDIDATES.

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JOSEPH GURNEY CANNON.

"Energy in the Executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy."—*The Federalist, No. LXX.*

THE Presidents who have been most conspicuous for executive energy are Jackson, Lincoln and Roosevelt. To President Roosevelt belong the credit and distinction of having pointed out the existence, under the administration of our dual system of laws, of a sort of No-man's-land, where wrongdoers seek refuge behind the claim that State laws do not and Federal laws cannot apply; and of having made this land well-nigh uninhabitable. Under a broad construction of the Federal Constitution, he has urged the passage of National laws to meet conditions with which State authorities have failed to grapple. He has insisted that the arm of the law should be strong enough to protect in his innocence

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the weakest citizen and long enough to reach the most powerful in his guilt. In this work he has had the zealous co-operation of Congress. President McKinley also had the hearty support of both Houses in carrying through the measures made necessary by the war with Spain. During the past ten years Congress has passed a body of laws involving a new interpretation of the powers of the Federal Government, laws of more far-reaching importance than any that have been considered since the Civil War period.

This augmentation of the powers of the Federal Government has been in response to public sentiment. President Roosevelt has met and conformed to the wishes of the people, and has shown that sort of "energy in the Executive" which is "essential to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice." This hasty analysis of the recent expansion of the activities of the Federal Government and of the attitude of the public mind towards this development is necessary to an intelligent understanding of the forces that will dominate the next Conventions of the two political parties.

The Republican National Convention that meets in Chicago next June will give to the policies of the Roosevelt Administration a unanimous and enthusiastic approval. In selecting its nominee it will consider four qualities in the candidates: character, ability, attitude towards the policies of the Administration and popularity. The nominee must be a man of approved integrity. He must have demonstrated his ability to perform the duties of the Presidential office and his possession of executive energy. He must be in sympathy with the present policies of the Government. And, lastly, he must be a man of national repute, well known and well liked by the people. The Republican party is fortunate in being able to make its choice from the large number of statesmen of eminent rank whose qualifications are now being considered by the public. They are all men of signal virtue, who have won the confidence and esteem of their fellow citizens. Any one of them would bring to the Presidency abilities of a high order. From among these the Convention will choose the man of the hour. Illinois will present to the Convention the name of Speaker Cannon as the man who best fills all the requirements of a successful Presidential candidate.

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Let us first test his popularity—his capacity for being liked by all classes of people. It is the whole of a man's life that fixes his place in public esteem.

Joseph Gurney Cannon was born on May 8th, 1836, at New Garden, near Guilford, North Carolina. His father, Horace Franklin Cannon, was descended from Scotch-Irish ancestors who early settled in this country. His mother, who was a Hollingsworth, came of New England ancestry. Both parents were of Quaker lineage, and showed their devotion to the Church by naming their son after the most eminent Quaker of the day, Joseph John Gurney, the refined and scholarly English preacher. In 1837, when Mr. Gurney visited this country on a tour of the Quaker settlements, he stopped at New Garden, and Horace Franklin Cannon was assigned by the Church to be his guide in his travels through the Carolinas. He must have been pleased and surprised to find that his host had named his son after him the year before. In January, 1838, Mr. Gurney visited Washington, and Colonel Polk, as he calls him in his journal, the Speaker of the House of Representatives, having granted him permission to use the Hall, he preached there on a Sunday to an audience composed of President Van Buren, the Speaker, John Quincy Adams, Henry Clay, Daniel Webster and many other illustrious statesmen.

Horace Franklin Cannon was a physician, a man of force as well as piety, generous and public-spirited. He was one of the founders of Guilford College, a Quaker Seminary that has done educational work of a high order.

Before the Civil War, the Quakers all "bore testimony" against slavery, and many of them left their old homes in the Southern States to found new communities on free soil. Many families left North Carolina during the first half of the nineteenth century and settled in Ohio and States farther west. In 1840, Dr. Cannon with his wife, his son Joseph and another son, in the company of ten or twelve other families, moved from New Garden to Rockville in Parke County, Indiana, making the journey in canvas-covered wagons. Here Joseph spent his time till he was fourteen years old, attending school and learning the arts and crafts of the woods and fields, and acquiring those accomplishments of a country boy that are so pleasant in the retrospect. In 1850, Dr. Cannon lost his life while attempting to

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cross a swollen stream to visit a patient. So, at fourteen, Joseph said good-by to school and boyhood at the same time, and started to work to support himself and help his mother and a younger brother and sister. He found employment in a country store at the neighboring village of Annapolis. Here he worked hard for six years, devoting all his leisure to reading with a view to becoming a lawyer.

By the time he was twenty, he had saved enough money to enable him to go to Terre Haute to read law. He studied in the office of Mr. Usher, who afterward became Secretary of the Interior under President Lincoln. Later, he went to the Cincinnati Law School, from which he graduated in 1858 and was admitted to the bar. The same year he went to Illinois. After spending six months in Shelbyville, he settled in Tuscola. Here he became a successful lawyer and formed the practice that he has always kept up of investing his savings in farm lands. In 1860, he cast his first Presidential vote for Abraham Lincoln. In 1861, he was elected State's Attorney and held the office till 1868. In 1872, he was elected to the Forty-third Congress. He has been re-elected to every subsequent Congress with the exception of the Fifty-second. In 1876, he moved to Danville, where he has since lived, and in the same year he gave up the active practice of his profession, so that he could devote himself entirely to his official duties. His investments have prospered and he now owns farms in Illinois, Indiana and Nebraska; and he is interested in many of the successful business enterprises of his own city. In 1862, Mr. Cannon married Miss Mary P. Reed, of Canfield, Ohio. In those days it was a rule among the Quakers that, when a man married a woman outside his own Church, he should openly and formally express his regret. As Miss Reed was a Methodist, Mr. Cannon was summoned to conform to the precepts of the Church. His loyalty and devotion to his wife made it impossible for him to comply, and so, as he quaintly puts it, he lost his mother Church to become the son-in-law of the Methodist Church.

His wife died many years ago and he has never remarried. He has two daughters. The younger is the wife of one of the leading business men of Danville. They have two daughters and these little grandchildren are the Speaker's pride and delight, and he is never so happy as when they are with him. Miss Helen Cannon, the Speaker's elder daughter, presides over his household

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with a dignity and grace that charm all who enter their hospitable home.

What manner of man is he now, who crossed the mountains in a prairie schooner when he was four years old, endured the hardships of the frontier, began supporting himself at fourteen, and step by step has raised himself to affluence and to the second position in the Republic? What attributes make up his personality? The first thing that impresses the stranger who makes his acquaintance, and the thing that most amazes those who know him best, is his uniform buoyancy of spirits and gayety of temper. The tough, elastic constitution that he got from long lines of rugged ancestors he has preserved by his abstemious habits, his out-of-door life and cheerful disposition, that have frightened off old age. His step is now as springy and his blue eyes are as bright as they were when he walked into Shelbyville fifty years ago. When the Duke of Carlisle called to pay his respects to Justice Story, he found that eminent jurist, with red cheeks and disordered raiment, sliding down the banisters with his grandchildren. At a recent Christmas-eve party for children from fourteen to eighty, I saw the Speaker taking a vigorous part in all the sports, teaching a little lady of fourteen the five steps of the old-fashioned waltz, dancing the Virginia reel with all the embellishments of the minuet; and when at midnight the reel ended and all the others dropped panting into the nearest chairs, he came charging down the room in imitation of an Indian dance that he had seen in the far southwest. While ability to outdance at seventy-two a youth of fourteen is not essential in the President of the United States, any more than agility in sliding down banisters is a requisite in a Justice of the Supreme Court, it is true that the people do love a man of joyous temper who is fond of children and home and the sports of childhood.

Sincerity is one of Speaker Cannon's strongest traits. It has colored his whole life and affected all his career; for sincerity begets truth and simplicity of living. There is no cant or hypocrisy in his make-up. He never talks for effect, never poses, never plays to the galleries. He never flatters and never deceives. Riches and honors have not alienated him from his old friends. His manners are as plain, simple and unaffected now as they were when he was a country lawyer. But, when occasion requires it, he displays the same quiet dignity that characterized Lincoln.

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In public life, courage and perseverance are his striking characteristics. He has fought his way to the top. All the world is interested in a fighter. If he fights fair, we admire him. If he comes to the front smiling after defeat, we love him. With McKinley and Reed, Mr. Cannon was a candidate for the Speakership in the Fifty-first Congress and was beaten. He was beaten again in the Fifty-sixth. But in him defeat developed no resentment nor bitterness. And at the age of sixty-eight he achieved the ambition of his life. No wonder that his friends call him "Uncle Joe."

During the next administration, Congress will be largely occupied in perfecting and adding to the body of remedial laws that has been placed on the statute-books during the last four years. It would be of the greatest possible help to the President during this period to have had experience in the House of Representatives. Speaker Cannon's service in the House, beginning in 1873, when Grant was President and Blaine Speaker, has brought him into contact for a generation with all branches of the Government and all the leading statesmen of the time. As Chairman for many years of the great Committee on Appropriations, he learned to their minutest details the revenues and expenditures of the Government. He knows, as no other man living knows, the Country, the Government and the People.

A strong supporter of another candidate said to me a few days ago: "Speaker Cannon is to-day the best-equipped man in the country for the Presidency, and if he were only ten years younger no other man would be mentioned in the Convention." Why should we in this country lose the services of the best years of our ablest men? Years bring experience, and experience wisdom. Palmerston, Gladstone, Thiers, Grèvy, von Moltke, did some of their best work for the State when over seventy-five. If Speaker Cannon should be elected President this year and should be re-elected in 1912, he would at the end of his second term still be four years younger than Gladstone was when he made his last speech in the House as Prime Minister. Let us too have our Grand Old Man!

And, finally, Speaker Cannon's zealous and efficient co-operation with the President in securing favorable consideration of the important measures which the President recommended to Congress, entitles him to the cordial support of all those who feel

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that on "the steady administration of the laws" rest the security of property and the welfare of the people.

Speaker Cannon's high character, pre-eminent ability, attractive personality and sympathy with the President's policies, make him the logical, if not the inevitable, candidate of the Republican party to succeed President Roosevelt.

HENRY SHERMAN BOUTELL.

GEORGE BRUCE CORTELYOU.

THE Republican party has never been found lacking in available men, well known to the people of the country, who measured up fully to the requirements of the White House. As the time approaches when a standard-bearer is to be selected, it seems, however, as if by common consent a few were set apart by a process of elimination, and these were regarded as candidates for the honor—either through their own willingness to become such or through the efforts of those convinced of their availability. It is a tribute to the judgment and good sense of the American people that instances are rare where a man has been regarded seriously as a possible nominee for the Presidency, who did not measure up to a high standard of fitness. To place the name of George Bruce Cortelyou upon the list of avowed candidates for the Republican nomination for the Presidency this year would be an injustice to Mr. Cortelyou. To place him in high rank as conspicuously available for that honor would no more than do justice to his remarkable and uniformly successful career.

There are men whose lives seem a succession of coincidences of fitness and fortune, and Cortelyou is one of them. The present Secretary of the Treasury is eminently representative of the new type of politics in which he has won place. This is a business age, and the academic statesmanship of the early days of the Republic, the oratorical type of a succeeding generation, and the unscrupulous and wasteful "graft" of the years succeeding the Civil War, have given place to a political system as methodical, as systematic and as logical as the manner of conducting the best type of modern business organization. It is this talent for organization and system which is Cortelyou's peculiar strength. He has never been known to say much about general theories of government; he is not a speechmaker; he is abso-

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lutely honest; his controlling idea seems to be that of grasping whatever problems may be at hand, in all their ramifications, details and sequences, and solving them with the least possible noise and friction. In any condition of society such a man is a power; at this time and under present conditions he becomes a very great power.

Mr. Cortelyou is forty-five years old. Born in New York, he comes of that good old mixture of Knickerbocker and Huguenot blood which makes for general ability, sagacity and steadfastness. It is an odd fact that Captain Jacques Cortelyou, the first of the name in America, made the first official map of the city of New York, in 1657, and may have been a friend and business associate of the first American Roosevelt, as both were prominent in the affairs of the little Dutch city on Manhattan Island. The estates of Jacques Cortelyou, however, were on Long Island, and a part of this ground is now occupied by the Cortelyou Club of Brooklyn. George Bruce Cortelyou began business life as a stenographer and teacher of stenography; for two or three years he was principal of a college preparatory school, and in 1889 became private secretary to the United States Post-office Inspector in charge at New York. Two years later he was secretary to the Surveyor of the Port of New York, and in 1893 he became secretary to the Fourth Assistant Postmaster-General in Washington. Here, again, is a factor in modern life which facilitated Mr. Cortelyou's rise—that multiplicity of interests which makes it necessary for the man of large affairs to delegate much of his power to his secretary. In Europe, an Under-Secretaryship is often a stepping-stone to larger power; in this country it has not been so until lately. The old type of business man and politician, who attended to all his important work himself, is becoming extinct. Hence now the able secretary is not likely to remain a secretary long.

When Cleveland entered the White House, and Maxwell, a Democrat, became Fourth Assistant in the Post-office Department, young Cortelyou fully expected to leave the service, and, in fact, Maxwell had already chosen a Democrat for his place, a personal friend. But there was a delay of two weeks before the new man could come to town, and during that time Cortelyou, who had arranged for an exit from the department to an important railroad position, had made himself so useful that he

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could not be spared. This little circumstance aided Fate in making him a cabinet officer instead of perhaps a director of some railroad.

The story goes that Maxwell bragged so of his efficient private secretary that Postmaster-General Bissell, who had first vainly sought to secure this assistant for his own staff, recommended him as stenographer to President Cleveland and exulted over Maxwell's loss. Cortelyou took occasion to mention to the President at a suitable opportunity that he was a Republican, to which Cleveland characteristically replied that he didn't care a—jot—what his secretary thought about politics so long as the work was done. And that marks another subtle change then beginning in our national life,—the absence in partisan politics of the old vehement bitterness. It was the beginning of a change which has made it possible for President Roosevelt to appoint many Democrats to office, and for men whose fathers were Jackson Democrats to support the Roosevelt administration with enthusiasm.

In the next change of administration, J. Addison Porter became secretary to the President, and Mr. Cortelyou occupied the position of assistant secretary to the President. When Mr. Porter retired, Mr. Cortelyou took his place. The tragic event of McKinley's assassination threw upon Cortelyou the entire responsibility of directing the arrangements attending the illness, death and burial of the President. It is not generally known that in the poignant anxiety immediately following the assassination there was doubt in the minds of the surgeons as to whether an operation should be performed. Cortelyou was the only person with authority to say whether it should be done or not. From somewhere in the recesses of his memory he recalled a case similar to the President's in which such an operation saved the patient's life. He unhesitatingly took the responsibility of ordering the operation. Events proved that nothing could have saved the life then apparently in the balance, but Cortelyou took that responsibility as swiftly, as quietly, as he has taken many others, and the public never knew of it till long afterwards.

It had been President McKinley's wish to make Cortelyou a member of his cabinet, but death prevented the carrying out of this plan. When Theodore Roosevelt became President, Mr. Cortelyou continued as secretary to the President for a time,

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but was soon made Secretary of the new Department of Commerce and Labor. This brought him first into the larger national view. He presented the peculiar spectacle of a man risen from a stenographer's desk to a cabinet position within ten years, without any electioneering or any political influence except manifest fitness for each succeeding place. There is absolutely no reason to suppose that Cortelyou ever pushed himself for any one of these promotions, but he was always available.

A friend of President Roosevelt happened to be calling at the White House when the President was much embarrassed by the efforts of political leaders to force upon him men he did not want for the chairmanship of the Republican National Committee. At that time nobody supposed that the campaign of 1904 was going to be the avalanche of Roosevelt votes it proved to be. Roosevelt methods were still in a sense on trial, and it was obvious that any taint of crooked methods in the work of the committee would be most unfortunate not only for that particular candidacy, but for the new standards which were coming into view. The friend suggested to President Roosevelt that perhaps, in his hunt, he had overlooked the very man for the place—Cortelyou. Once more Cortelyou was the available man.

It was a most businesslike campaign. The spellbinders and schemers found themselves out on the doorstep. There were card catalogues, courteous sagacity and systematic methods throughout. Cortelyou organized and systematized a business which hitherto had seemed little susceptible of such methods. It is Cortelyou's habit of mind to consider every possible contingency and cover it months beforehand. He did this in the summer of 1904. There was very little whirlwind about the Roosevelt campaign of that year. It was not necessary to stir up excitement. The work was done on time.

When the new cabinet was formed Cortelyou was invited to become Postmaster-General, and when, on March 7th, 1906, he took the oath of office, he became the head of a department in which 1895 had seen him an obscure clerk.

The Post-office Department had been the pet preserve of the spoilsmen for generations. Three years ago, so loose was the management, some of the bureaus had almost set up in business for themselves. The new chief's policy was to bring all branches of the service into a closer interrelation, grouping re-

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lated subjects into one bureau, abolishing division of authority, and making every man responsible directly to the man above him, so as to fix responsibility quickly in the case of good work or bad. Fourth-class postmasters were, he ordered, to retain their places during satisfactory service. This brief statement changed the status of sixty-thousand postmasters whose places had always been considered spoils of office, and it took the post-office further out of politics than it ever had been in its history.

President Roosevelt, thoroughly convinced of Cortelyou's usefulness as the man for an emergency, gave him the Treasury portfolio, and here an emergency did indeed arise, more spectacular and more far-reaching than any other in the career of the new head of the department. But unexpected as the financial stringency of 1907 was to the people, some danger was foreseen months beforehand by the administration. It was a foregone conclusion that the prosperity which was leading people of all classes to speculate rather wildly and live rather carelessly, and the inroads which the trust companies were making on the business of the national banks, would bring about some sort of crisis, due about the fall of 1907.

Cortelyou was ready for that emergency. Months before the run on the trust companies the Treasury Department had quietly deposited money in banks all over the country, so that whatever happened, there would be money with which to move the crops. Nearly thirty millions of dollars were thus distributed, and the result was that a panic, which might easily have spread from ocean to ocean, was checked at its inception.

At no time in the history of this recent disturbance in Wall Street was the Treasury Department out of touch with the situation. When Cortelyou appeared shoulder to shoulder with the great financiers of the country, giving out short, convincing statements of the situation to the waiting press, the spirit of confidence straightway rose. There was no quibbling; there was no uncertainty. The public knew what went on from day to day, the flashing bulletins gave the word almost from hour to hour. And before anxiety had had time to grow to terror, all was over.

The plan was simple. The banks of New York were allowed Government deposits on condition that they stood by those trust companies which could show a clean record. The trust companies were made responsible to a committee satisfactory to the

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banks, and through this committee loans were made. It was all simple as A B C—after it was done.

This, perhaps, more than any other incident in his career, has given rise to the feeling that George Bruce Cortelyou is an available candidate for the Presidency. In the great emergencies which may confront the Republic in future years—emergencies due to the working of undercurrents and hidden causes rather than to any obvious national enemy—what is needed is a far-seeing man who will do the right thing at the right time, without noise, and without creating unnecessary antagonisms. Cortelyou's availability has carried him far; greater honors have already come to him than come to most men in public life. His progress has been in full view. He is still young, in the full vigor of mind and body, gaining daily in wisdom and experience, as all wise men do. What the immediate future may hold for him no man can say. He has full faith and trust in the American people, as they have in him, and with good reason.

JAMES DAVENPORT WHELPLEY.

CHARLES WARREN FAIRBANKS.

CHARLES W. FAIRBANKS stepped suddenly into the nation's view when he came from his law practice in Indianapolis to the United States Senate, and then to the Chair as Vice-President. He had never before held public office, but he did not come without an enviable record, nor has he failed to strengthen it with every ensuing opportunity.

By a man's public acts the public must judge him, but they fail to afford a complete analysis of the man, especially when he is such a man as Vice-President Fairbanks—and it is the man behind the acts which makes them a criterion. The very qualities which rendered Mr. Fairbanks one of the most scrupulous and conscientious members of the Senate and which place him among the most loyal, indefatigable and successful of our illustrious line of Vice-Presidents, tend also to obscure rather than emphasize the man. When he left his law office, Mr. Fairbanks left his private practice, not partially, but wholly. He said: "While I hold a public office I shall devote to it every thought and energy and hour." No man ever gave this sentiment a broader or a more minute construction. Reinforced by

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his physical endurance and mental capacity for work, his powers of concentration and abstraction render it easy for him to become so absorbed in public duties that private concerns are immaterial. The responsibilities incumbent upon him always command the best that is in him. He can no more devote half-hearted energy to a work he undertakes than he could perform it in a slip-shod way. His desk in the Senate Chamber, where everything is always exactly in its proper place, ready to facilitate instant action the moment it is required, suggests the consistently methodical habits of the man and the secret of the invariably calm, deliberate, yet lightning-quick and correct conclusions at which he arrives in every emergency.

No man's career has ever better illustrated Mr. Cleveland's dictum that public office is a public trust. It is the whole-souled energy which Mr. Fairbanks devotes to every public responsibility devolving upon him, coupled with his broad, deep grasp of the great questions of the day, and his keen perception and unusual quality of practical common sense which renders him, like his warm friend President McKinley—whom he very much resembles in many ways—such an unerring public servant. But it is these very qualities which have made possible the impression, among those who do not know him beyond his public appearance, that Mr. Fairbanks is cold, unresponsive, unsympathetic, unapproachable.

To those who know him nothing is farther from the truth than this conception of him. To see him hurrying down the marble corridor, between the door of the Senate Chamber and the Vice-President's room, one would naturally think him more or less unapproachable. Yet, even there, a familiar face never caught his eye but his hand flew out for a quick, cordial grip, his face lighted in a thoroughly genial smile, his keen, clear gray eyes looked a greeting that was far from unsympathetic, and a few words, quickly spoken in his deep, strong voice, carried an assurance of cordiality which left the recipient better satisfied with life and sure that a big, human heart, almost abnormally sensitive and sympathetic, beat under the absorbed exterior.

At home, whether in his residence in Washington, or in Indianapolis, or out on his farm where he loves best to be, Mr. Fairbanks is ideally hospitable, responsive, sympathetic, democratic. His home life is and always has been the soul of his sphere. A

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cleaner man in thought and life, a more wholesome and hearty advocate and example of public and private integrity, could not easily be found.

Scrupulous fidelity to duty has been the key-note of Mr. Fairbanks's public and private record since his boyhood on the pioneer farm in Union County, Ohio, where he was born in a log house in 1852. His mother still resides with him in Washington, though she remembers the day when she crossed the mountains and struck the trail in a pioneer cart with her husband. To see her strong, earnest, intellectual face, to feel her firm, cordial hand-clasp, to hear her voice, is another assurance of the qualities she imparted to her son. Among other things she planted the strong religious instincts which pervade his life. It is not the intense sectarianism which is sometimes erroneously imputed to Mr. Fairbanks; but a religious sense, deeper and broader than any specific creed, which permeates the fundamental convictions of his life and accounts for his theories of the sacredness of fiduciary obligations, whether in business or politics.

Illustrating this, I recall an earnest conversation, at a time when action was imperative in an important crisis. A proposition was advanced carrying logical certainty of victory, but including indorsement of a policy the correctness of which Mr. Fairbanks doubted. Instantly he shook his head and in his invariably gentle, but firm, decisive voice replied: "It is better to remain out of power than to win favor upon a false principle."

I believe that sentiment has been his gauge of action throughout his life. After graduating from college he was representative of the Associated Press at Pittsburg for a year, then at Cleveland. Meanwhile, he studied law and was admitted to the bar by the Supreme Court of Ohio. In 1874 he settled in Indianapolis and practised law uninterruptedly for twenty-three years.

The Hoosier State was a stimulating field for a young man with a Buckeye's instinct for law and politics. It was a battle-ground of great lawyers and political leaders. For nearly a third of a century after the Civil War Indiana was a pivotal State. And Morton, Hendricks, Colfax, Voorhees, McDonald, Harrison and others of hardly less ability were adversaries at the bar and on the hustings. Law and politics went hand in hand. Mr. Fairbanks met them in the open, at the bar and on

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the stump; not as a candidate, but only as an earnest advocate of the Republican party. A busy and successful lawyer often prefers his profession to politics. So it was with Mr. Fairbanks. And yet he did a good man's part for good government. In his wide practice, sometimes corporations were his clients; sometimes he was opposed to corporations.

His first prominence in Indiana politics was won in fighting a gerrymander enacted by a Legislature more greedy of power than scrupulous of methods to achieve it. In 1888, at thirty-six, he was a manager of Walter Q. Gresham's campaign for the Presidency. But Harrison was the nominee, and on his invitation Mr. Fairbanks held a leading part in that campaign, and came to be held as a probable Senator when the Republicans might have the power of electing a Senator.

By the year 1896 he had been awarded a position of real leadership in Indiana. His fibre was tested when the free-silver mania seemed for the time to master the State. To a suggestion that a declaration for the gold standard in the State platform might mean the loss of the State and his own defeat for the Senate he said: "It would be better to go down in defeat for such a cause than to win victory at the price of repudiation." His counsel prevailed and the ringing note for sound money turned Indiana and helped to turn the tide elsewhere, culminating in the gold plank in the St. Louis platform.

Mr. Fairbanks was a strong advocate of William McKinley. Between the two men there had long existed a warm personal friendship. Mr. Fairbanks entered the Senate the day President McKinley was inaugurated, and the close, intimate, personal sympathy continued to the end. Senator Fairbanks was recognized among the most zealous and influential champions of the administration—supporting the Dingley tariff, the strengthening of the gold standard, the immigration acts against Chinese coolie labor, the maintenance of the American standard of wages and living. Senator Fairbanks stood by President McKinley in every possible effort to avert the war with Spain, though public opinion was inflamed against every advocate of the administration course. But when it became evident that no honorable peaceful solution was possible, he spoke in the Senate in favor of the declaration of war. He was a member of the United States and British Joint High Commission and chairman of the American Com-

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missioners. He was re-elected to the Senate without a dissenting vote in his party.

Since becoming a national figure, Mr. Fairbanks has been in constant demand as a public speaker, giving to the administration of President Roosevelt the same loyal and effective support he accorded to that of his predecessor. He introduced the amendment providing for the issue of Government bonds under which the Panama Canal work is now being prosecuted. He has always been an earnest advocate of comprehensive plans for internal improvement, especially looking to the improvement of navigable waterways as a means of solving the national problem of transportation, and the irrigation of arid lands.

In the Chicago Convention of 1904 attention was called by the leaders of the party to the nomination of Mr. Fairbanks as Vice-President, as a marked return to the old traditions, when possible succession to the Presidency was kept clearly in mind; and during the campaign which followed he traversed twenty-five thousand miles, addressing large audiences in hundreds of cities and towns, attracting wide attention by his vitality and versatility, and leaving everywhere a lasting impression of his pleasing, cordial and unaffected personality.

Friends of Mr. Fairbanks frequently refer to him as of "the McKinley stamp," cool-headed but warm-hearted, discreet but courageous, conservative but progressive, cautious but patriotic, holding above all other considerations the welfare of his country. That he would make a popular candidate who would be equal to every responsibility, and a safe and patriotic President, no one can doubt who has a real knowledge of the man. His opportunities for public service have come to him unsought, and to each he has given his best without fear or favor. That he has the courage of his convictions no one who knows him doubts; and the foundation of his convictions is: "It is better to remain out of power than to win favor upon a false principle."

His service in the Senate and as Vice-President and his wide acquaintance throughout the country make him familiar with public questions and with the public need. If elected, he will enter the Executive office fully equipped for its duties. He possesses the requisite ability, the knowledge of the men of the nation and the poise of character and temperament to make a President of the McKinley type. There is every assurance that

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he would organize an administration able and honest which would conduct the affairs of the Government in a businesslike manner. He would recognize fully the rights of the several States and of the National Government within their respective and appropriate jurisdictions, believing that such recognition is necessary for the preservation of our political institutions as they were ordained by the fathers.

He would regard the legislative, executive and judicial departments of the Government as being, each, supreme within its appropriate sphere, all of them co-ordinating to a common end.

His service in the Senate will enable him to maintain those relations with the Congress which are so essential to good administration.

He stands for the protective policy because it builds up American industry, gives opportunity and wages to American workmen and offers employment to American capital in fuller measure than any other policy. He does not hold that schedules are sacred, but he has always maintained that they should be changed wherever there is a sound economic reason therefor; when more good than harm can be accomplished thereby.

His election would mean the maintenance of a sound monetary system, so far as Executive authority is required.

There would be no reactionary step with regard to those policies of McKinley and Roosevelt which have commanded the public confidence and the support of the best thought of the Republican party. Those policies with regard to the control of combinations of capital would be intelligently, fearlessly and with certainty carried out by the new administration. He has always stood for the best thought of the Republican party.

He believes in international arbitration, and that the most important work to be accomplished in the international field is the establishment of some method of adjusting honorably questions arising between nations and without a resort to war.

He would maintain a foreign policy, dignified, just and firm. There would be no fear that collision with other Powers would unnecessarily be provoked. There would be proper respect for the rights of others and equal insistence upon a proper respect for our own.

He belongs to no faction. He is upon good terms with all members of the party everywhere. ADDISON C. HARRIS.

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JOSEPH BENSON FORAKER.

No American statesman of to-day is more generally known than Senator Joseph Benson Foraker. At the same time, there is perhaps no figure filling so large a place in the public mind at present who is so much misunderstood. That is the penalty paid by a man who has been so absorbed in his professional and public duties that he has had little time or opportunity to make the acquaintance of the people at short range, or to correct misrepresentations concerning himself. Very warm-hearted and very approachable, coveting human friendships as among the best gifts that life furnishes, his absorption in the more serious duties of life has made it impossible for him to cultivate to the extent he has desired the acquaintanceship of the masses, as well as the comradeship of congenial spirits. To live in the realm of the intellectual implies a certain aloofness from the world in general, and Senator Foraker's life has been an intensely intellectual one. The same holds true, however, in the material walks of life. If a man is absorbed in business and accumulates such a colossal fortune that the public mind appropriates him as the subject-matter of common every-day discussion, he must take the public into his confidence sufficiently to make known what manner of man he really is, or the public will take extreme liberties with his personality.

Senator Foraker's fame has not been appreciably augmented because his name is now considered in connection with the Presidency. Such association has not added specially to the common stock of information about him. He was just as well known before his name was mentioned in this connection. Did not Senator Foraker hail from the State of Ohio, the State of William McKinley, who came later into public recognition yet was preferred before him, he would doubtless have been effectively urged for the Presidency long before now. As long ago as 1888, when he was a conspicuous figure in the National Convention at Chicago, he had many ardent admirers who felt certain he was the logical man of the hour. As for himself, he was loyal to Sherman then, as he was to McKinley in 1896 and 1900, and to Roosevelt in 1904. He asked nothing for himself, but threw the whole force of his great influence and commanding personality into the conflict in behalf of his choice.

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He has had many followers,—loyal, ardent and enthusiastic, and he has always been able to awaken the widest enthusiasm among his adherents. He has not, however, so many intimates as some men in public life, partly because he has always been very domestic in his tastes and has been blessed with a surpassingly attractive home circle, but mainly because he has not needed intimates to help fashion his ideas and to assist in formulating his opinions as to public policies. In the first place, he has always been a staunch Republican, loyal to the principles of his party as laid down in its National platforms. To other issues as they arose he has applied a mind highly trained, an industry tireless in seeking the facts, a rare judicial acumen in weighing the evidence, and logic of the highest order in stating his conclusions. To these admirable qualities he joins the higher and rarer virtues of being absolutely honest with himself and a political independence which compels him to be honest and sincere with the public. His courage in the forum and before the public in general is not a whit less than it was in his boyhood days on the field of battle. The legislative contests he has waged have been conflicts in which principle and devotion to duty and the right as he saw it were his guiding star. He may at times be mistaken, but no one can doubt his sincerity. He would rather be right than be President, and he will never crook his knee to the public that thrift may follow fawning. He never yielded his individuality and convictions for fear or favor. In a recent address in Ohio he said: "I have never understood that any one was to decide for me how to vote. If I am not to have that right, then you take all the honor away from the office, and so far as I am concerned you can take the office with it." To one of his strongest political supporters who was urging a certain course and reminded him that, quite possibly, the Presidency was at stake, he replied: "I would not forfeit my self-respect in order to be President." Incidentally, he kept to his original course.

If political elimination should be the reward of his independent stand on any public issue, he would accept his martyrdom as philosophically as ever did any victim of persecution, and find regret only in the fact that he had but one life to give for a cause. He cannot be deterred from supporting any cause he deems right, simply because it may be unpopular. His course

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on the railroad-rate bill was an illustration. To paraphrase a well-known expression, it was magnificent, but not politics. He realized he was taking his political life in his hands when he decided on that course, but that made no difference. He believed he was right, and he was fearless in the fight he made.

Massachusetts returned Senator Hoar to Congress, although he severely castigated the Republican policy of expansion, and was the idol of the anti-imperialists. Maine did the same thing for Senator Hale, though he was equally at variance with our Philippine policy. Both men have rendered distinguished service in the Senate. Both were recognized as patriots of the highest type, in whom the whole country took a just pride, and the honor they reflected on their respective States was too great to permit any disagreement of opinion to put an end to their public careers. Both were re-elected to the Senate without opposition. Foraker is to-day his party's ablest debater on the floor of the Senate, with few equals and no superiors in public discussion, and is always an antagonist justly to be feared. He never talks for the sake of talking, nor to hear the sound of his own voice, but from firm conviction that duty calls. He never talks lightly or without sufficient information, as many an antagonist has ruefully realized on attempting to cross swords with him. In debate, sledge-hammer blow and rapier thrust are alike at his command. He marshals all the forces of oratory, but relies most on crushing blows delivered at his adversary's weakest point.

There is a vein of chivalry in his nature which leads him to champion the cause of the afflicted, the oppressed and the downtrodden. No cause is too humble to enlist the tireless support of his whole being. He espoused the cause of the black battalion discharged at Brownsville as zealously and fervently as he defended the railroads against the attacks of an almost unanimous public sentiment. He has not yet been convinced, and those who agree with him see no reason why he should as yet be convinced that he was wrong in either case. He made a successful fight against the forced union in Statehood of the Territories of New Mexico and Arizona.

He is ambitious. What man with good red blood is not. His ambition has been to serve his country well and faithfully. When public duties have not prevented, he has practised his profession

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and served his clients with the same ability and fidelity. He has never, however, commingled the two occupations, and he has never been charged justly with betraying either a private or a public trust. Senator Foraker has never corrupted legislation, has never corruptly influenced legislation, and has never taken a part in making legislation in which he had a personal interest. He does not own railroad stocks or bonds, and as far as he is individually concerned it matters not a particle what railroad legislation has been, or may be, enacted.

He has the advantage of a college training after his service in the army, and at an age when he could derive the greatest benefit from it. He has always been a student and a reader, fond of his books, but too busy to enjoy them always as he desired. He has never been a follower, but always a leader. Whether his following was great or small, it was loyally devoted to him, and no one has ever thought of him as enlisted under the banner of any one else. Like a baron of the feudal ages, he has always fought under his own banner and carried it into the thickest of the conflict.

Senator Foraker's career since he came to the United States Senate has confounded his enemies and justified the highest expectations of his friends. Styled a conservative now, he was once called a radical. He was so considered because he was an extreme partisan, standing firmly for all the policies of the Republican party. He was the idol of his party, and the only man in Ohio nominated consecutively four times for the office of Governor. In those days he was fiery, dashing, impetuous, a very whirlwind in debate and on the stump. This accounts for his firm hold on the affections of the Republican voters of Ohio. The Republican party in that State has, except for the past few years, been compelled to fight hard for its victories and it has never given or taken quarter. For the past quarter of a century, in all of the great contests in Ohio that have attracted the attention of the whole country, Senator Foraker has been conspicuous as a leader and a staunch defender of Republican principles.

He has never succeeded through organization, has never mastered nor seemed to care for the details of organization. Those who refer to him as a machine politician do not know whereof they speak. He is not a candidate to be put in harness and led or driven by the word of a campaign manager. In the years during

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which he has been a prominent figure in Ohio politics he has never had a "machine," in the sense in which that word is used to describe a political organization carried down to the smaller political subdivisions. His trust has always been in the people, and more than one indifferent or unfriendly political gathering has been won to his side by his oratory. His addresses are as clean-cut and incisive at sixty as ever. His personality makes him a conspicuous figure in any assembly. He is one of the most entertaining of public speakers, and is acknowledged by his antagonists in the Capitol as one of the fairest, squarest fighters in the Senate. Speaker Cannon once said of him: "Of all the brilliant statesmen in our American political history there is no abler man or squarer man, no better or fairer fighter, no man who honors the State and Nation more or renders them better service, than Senator Foraker of Ohio."

He has rendered most valuable services to his party and to his country. He has been a stalwart of the stalwarts in advocating those policies which appeal to patriotism. He is clean, forceful, courageous, a man who will not hesitate to stand by his convictions whether such a course may be popular or not. He has suffered much because he has been misrepresented and misunderstood, being too busy doing the work which lay before him, and following the paths where he believed duty led him, to take the time and make the effort necessary to promptly correct wrong impressions gained by some as to his motives. Whether or not he is elected to the highest office in its gift, the country can ill afford to lose him from the councils of state, and no one who knows the man well doubts that he would fill with honor and surpassing distinction the great office of President.

CHARLES DICK.

CHARLES EVANS HUGHES.

To set forth with brevity and some degree of precision the claims for presidential honors of a man who advances no such claims, who permits no friend to speak with authority on this subject, who persistently avoids obvious opportunity to emphasize this aspect of his public life, is a problem not without serious difficulty. It is the problem, moreover, which must inevitably confront any one who seeks to analyze the practical side of the

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claims of Governor Hughes upon the Republican presidential nomination.

This attitude of Governor Hughes, which has seemed novel enough to divert public attention from the more important aspects of his candidacy, may be briefly summarized. It amounts to a frank willingness to accept a nomination, an honest recognition of the honor contained even in the mere mention of his name in this connection and a vigorous and unswerving determination to do nothing as Governor which can be interpreted as a bid for public favor or an effort to compel political support from subordinates or interested politicians. This attitude has been variously characterized as correct and as Quixotic, but, at the least, it has been consistent.

The subject of Governor Hughes's personal view of his claims to presidential honors, however, can hardly be of primary importance, nor is it likely to long concern the leaders and the delegates of a dominant, national party. There are, however, two questions of real and substantial importance, which go to the very root of his candidacy, as of that of the candidacy of any man for a presidential nomination, and upon the answer to these must depend the question as to whether the Governor's claims are deserving of consideration. One concerns the ability of Governor Hughes, if nominated, to bring to the Republican ticket electoral votes not otherwise available; the other relates to the record he has made upon the issues of greater national significance, about which the next campaign and the next administration must be centred.

It is the claim of the friends of the candidacy of Governor Hughes that his nomination would bring inside the Republican column the electoral votes of New York, which must otherwise be reckoned as doubtful. Nor does this claim seem exaggerated to a majority of the practical politicians of this State. It is not merely that in an "off year" Governor Hughes carried the State by a majority unprecedented for such a time. It is not merely that this victory was in a sense a personal triumph, since the balance of the Republican ticket was lost. But there is even more recent testimony on this score. During the sixteen months in which he has been Governor, Mr. Hughes has had frequent occasion to appeal to the people directly upon matters in which his personal stand was the issue at stake. Invariably, there has

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come back the unmistakable verdict of popular approval, in effect, an emphatic vote of confidence from the people of the State.

These evidences of the personal hold of Governor Hughes upon the confidence of the people of New York have a deep significance in view of the present posture of the Republican party in this State. It is not to be disguised by the most sanguine that the present situation is serious in the extreme. The party itself has recently been torn by a factional fight and the contending elements remain widely separated. In the conflict, moreover, the old and efficient party machinery has been destroyed, as the last State election disclosed. Even the old source of power, patronage, is sapped, for most of the State offices are in the hands of the Democrats. Nor can one fail to note that the effect of "hard times" and the recent panic seems likely to persist until election and the responsibility therefor to be laid to the door of the dominant party.

Therefore, in view of the foregoing facts, there is no mistaking the settled conviction that the Republican outlook in New York this fall is dark in the extreme. Yet concomitant with this view of Republican prospects is to be found the wide-spread belief that Governor Hughes, if named for the Presidency, could carry the State, that if he were named at Chicago the State would no longer be doubtful. This belief is founded upon the conviction that the Governor by his whole public service has won the loyal, if not the enthusiastic, support of that numerous element in the voting community which wears its party shackles lightly and has frequently been a deciding factor in close elections. It has been the support of this element which has contributed to all the earlier triumphs of the Governor; it is, unquestionably, one of his chief political assets.

Elected by a union of the Republican and Independent voters, sustained during his administration by the independent and even the partisan press of opposing faith, Governor Hughes has given frequent proof of this personal strength with the voters, which alone, in the minds of many trained observers, can serve to stem the trend toward Democratic victory in New York. Nor is there any evidence yet adduced which indicates a similar strength for any other Republican whose name has been suggested for the Republican nomination. In the eyes of the wisest politicians, Governor Hughes is the only candidate with whom New York

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may be recognized as safely Republican, and this must serve to answer the first question proposed as to his presidential claims.

The question of the vote-getting power of a candidate, however important to the practical politician, must nevertheless be a matter of secondary interest to the voters themselves. To them the record and the stand of a prospective presidential candidate upon the national problems is vastly more important. Nor is it necessary to undertake any catalogue of these national issues in this place. In sum, they concern certain acute phases of the economic development of the Nation. Railroad rates, the trusts, the interminable investigations which succeed each other with such regularity, are all manifestations of the single great problem, which concerns the relation of the corporation alike to the individual and to the State.

Upon this fundamental problem of contemporary public and political life, moreover, Governor Hughes has made a record to which his friends point as the basis for his presidential claim. Governor Hughes, who before he took public office achieved the marvellous revelations of the Armstrong Insurance Investigation, who, to an audience which daily expanded until it included the whole Nation, set forth the evils of the world of finance, society and politics, seems to these friends to have deserved consideration by this very thing alone.

With even more earnestness, moreover, the friends of the Governor point to the Public Service Commission Law of this State as an evidence of the Governor's power to grasp and deal in a broad manner with a vital question. In this law there is embodied the Governor's own view upon the regulation of corporations. Here is provided a simple and efficacious machinery by which the producer, the commuter, the gas consumer can secure proper service, reasonable rates and protection from other abuses, which in past days have been intolerable in New York State.

Yet, in emphasizing the advantages the Governor's investigations and legislation have brought to the individual, it is possible to so far exaggerate as to miss the salient point. Almost the same day that he signed the Public Service Commission Law, Governor Hughes vetoed the Two-Cent Fare Bill. While Hughes the investigator was commanding the attention of the Nation, the counsel to the Armstrong Insurance Investigating Committee was patiently and tirelessly laboring to frame legislation that

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should make the insurance business, so far as it was legitimate, profitable and possible.

It is because of the even balance between contending elements which has marked Governor Hughes's record upon the great economic questions of the day that he has been pronounced a radical by the reactionaries, a reactionary by the radicals. The man who declared for imprisonment, not fine, as the punishment for offending corporation officials, and, in the same temper, vetoed the Two-Cent Fare Bill, who equally declined the opportunity to achieve a reputation as a destroyer at the cost of legitimate business which within restricted lines was proper and necessary to the community, and quite as frankly declined the obvious political opportunities of qualifying as a reactionary leader, has written very clearly his record upon the pending question.

In sum, then, Governor Hughes has quietly and deliberately made his record upon an insistence upon the law, upon the calm and deliberate method of action. At all times and under great temptation and stress he has declined to appeal to public passion or popular clamor, which sought to destroy madly and punish blindly, rather than to repair patiently and reform wisely. In a time, moreover, when the temptation of the strong Executive to dominate the recalcitrant Legislature has been marked, when, moreover, a word, or a suggestion based upon patronage would have sufficed to accomplish a personal triumph, the Governor has firmly refused the opportunity, insisting that the permanent evils flowing from such Executive interference would far exceed any temporary advantage. Even when his Public Service Corporations Law was at stake, he resorted to no denunciation of individual or collective corporate malefactors; his appeal to the people of the State for support was without denunciation, was, as he phrased it, the argument of the "attorney for the people of the State."

In a more extended statement of Governor Hughes's public record there are further claims that might be pressed on his behalf. As the Chief Executive of a great State, he has made a record of more than passing significance, in other fields besides his insurance legislation he has shown a broad grasp of large questions. In banking laws, ballot laws and labor laws he has shown himself in touch with the great movement which is manifesting itself simultaneously all over the Nation. While in his

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reorganization of departments and in his public appointments he has displayed unusual ability as an administrator.

Nor has the Governor shrunk from a fair and complete enunciation of his stand upon the essential doctrines of his party, which must be accepted by its candidate. In New York, Chicago and Boston, he has set forth his views upon the tariff, the Philippines, the questions of the relations of the National Government to corporations and corporate offenders, which have provoked no charge of party heresy. His reception in Chicago and Boston, moreover, and the interest in his administration and his candidacy have shown that his record and his achievements have passed the limits of his own State and fairly entitled him to consideration as a national figure.

All these matters indicated above, however, belong to a broader discussion of the presidential claims of Governor Hughes than can be now undertaken. Here his claims must be confined to two questions that have been outlined: to that of his ability to carry a State which must be regarded as doubtful in the event of the nomination of any other Republican; and to his record on the economic questions which are now occupying the attention of the Nation as a whole. This record discloses Governor Hughes as committed to the rational regulation of corporations and the drastic punishment of real offenders against the law, but as deaf to any agitation which has its sole justification in popular clamor.

The record of Governor Hughes, moreover, is written in existing and working laws, not in interviews nor in fruitless agitation. And on this record his final claim to the Republican presidential nomination must rest. It is the record of a man who has proven his devotion to certain principles rather than to the exaltation of any person, including himself. FRANK H. SIMONDS.

PHILANDER CHASE KNOX.

IF, in the last analysis of the present year's political activities, Philander Chase Knox should become President of the United States the country will secure one of the clearest intellects and one of the most courageous characters ever called to preside over its destinies.

Regardless of the political affiliations of individuals, this seems to be the view of all those who know the man, who understand his motives and are familiar with the multitude of obstacles he

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has surmounted and the splendid success he has achieved in inaugurating and conducting a crusade fraught with more far-reaching and beneficial consequences to the American people than has ever been undertaken since the war.

Not since the election of a Republican candidate in 1860 has the duty of an incoming President of the United States been so clear as it is to-day. As a lifelong Republican, I have no doubt of the success of the party's standard-bearer. He will be the heir to the policies of President Roosevelt. Upon him will devolve for four years to come the execution of those measures in administration and their expression in legislation. The American people, as a whole, support the general policy of President Roosevelt on the important questions that now confront them. The work of making that policy effective in practical results and embodying it in permanent law, through judicial process and in a conservative manner, is yet to be consummated upon the recommendation of the next President.

A broad period of legislation is now in prospect. Reconstruction is before us on the line of the Roosevelt policies. The candidate of the Republican party ought to be in his record, his character, his ability, his experience and his share in the achievements of the past the visible proof to the American people that, as Chief Executive, he will be equal to the duty of executing the law efficiently and of recommending to Congress comprehensive legislation which will give settled conditions to all the vast and varied business interests of the country. Senator Knox has special qualifications for this task. It was he who won for the Roosevelt policies their first great judicial triumph. He has framed the legislation upon them in Congress. In Pennsylvania, we who know the Senator believe that his nomination and election are demanded by and would promote the best interests of the American people.

Mr. Knox has been misrepresented, of course. Leading in and directing important battles for the administration, throughout the past eight years of phenomenal Governmental progress,—these more clearly outlining his brilliant services and sturdy devotion to the country's interests as Attorney-General under two Presidents and one of the boldest champions of the people in the United States Senate,—one could not stand, as he did, squarely in the front without drawing upon himself the hos-

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tility and misrepresentations of his discomfited opponents. But he was fortunate in the fact that his record was so open, his position so skilfully maintained, his motives so clearly defined, and his convictions so consistent with prudence, common sense and patriotism that but little ground was left for insinuations or imputations of selfishness, insincerity or disloyalty. The Senator's record so conclusively demonstrated his real character and the purity of his motives that, in spite of the characteristic modesty with which he declined to notice or refute aspersions, he gained rather than lost by adverse criticism. If vindication were necessary, one need but turn to the career of Mr. Knox as Attorney-General, when he was conspicuous, as he is to-day, in opposing the aggressions and encroachments of corporations upon the rights of the individual and in demanding that corporate business be wisely regulated in the interest of the public. It was his consistent and brilliant record which inspired the tribute paid him by President Roosevelt, who, in a public speech, made this declaration:

"During the last few years the National Government has taken very long strides in the direction of exercising and securing adequate control over the great corporations; and it was under the leadership of one of the most honored public men in our country, one of Pennsylvania's most eminent sons, the present Senator and then Attorney-General Knox, that this new departure was begun."

When the subject of this sketch was asked once if he objected to being classed as a corporation lawyer he replied, "No one who knew anything about me or my law practice has ever yet so classified me; but, in the abstract, my idea would be that a corporation lawyer was one who gave his whole time to the service of a corporation, and not one who had corporations among his clients, for the latter includes every lawyer of any ability to-day. It is not who a lawyer's clients are, but the nature of the services he renders them that determines the lawyer's character."

Let us glance for a moment at the career of the man whose force of character and brilliant intellect infused new life and vigor into the many responsible offices which he filled, with such signal efficiency and practical benefit to the country as to place him among the few American statesmen to whom the nation looks to-day for guidance and protection. Senator Knox was born fifty-four years ago in Brownsville, Pennsylvania, within sight

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of the birthplace of James G. Blaine. His father, a man noted for sterling integrity, moral courage and strong common sense, was cashier of an important bank in the great farming and coal-producing section and one of the leading business men of the community. From his mother, a woman of singularly beautiful character, the Senator inherits the composure and calm demeanor so characteristic of him. At nineteen he graduated from college, where he had first met the future President, William McKinley, between whom and himself a strong and intimate friendship arose, which continued until the lamented President's death. In 1875 Knox was admitted to the bar of Allegheny County and was at once appointed Assistant United States Attorney. After a service of a year he resigned the position and formed the partnership of Knox and Reed, which lasted for a quarter of a century. It soon became and remained the most prominent and successful firm practising law in the courts of Allegheny County. In 1896 Mr. Knox was made President of the Pennsylvania State Bar Association. His address, upon retiring from that position, was prophetic in its forecast of the operations of the law in relation to labor and capital. It was perhaps the first enunciation of the doctrine that, under the Commerce Clause of the Constitution, there rested with the general Government the right and power to control great combinations of capital; that corporations engaged in unreasonable business operations, affecting the public welfare or in restraint of trade, were violating the law and could be dealt with by the courts. He was thus the pioneer of the cause of the people in 1897; he was the guide and champion of the new idea in 1903; and he was the victorious General when the Supreme Court of the United States decided in favor of his contention in 1904.

In public and private, Senator Knox's striking qualities are simplicity, directness and lucidity. A naturally keen perception and a remarkable power of analysis have been cultivated throughout a life of industry and indomitable energy, until to-day Senator Knox displays the capacity of a master mind in making plain and expounding any subject he touches. A gentleman, enjoying perfect health, in the prime of life, instinctively just to all men, educated and trained by close application to books and wide experience in the practical affairs of life, a lover of nature, straightforward, cordial, sympathetic, he has a most lovable dis-

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position and a lively sense of humor. He is especially fond of outdoor sports, and is never better satisfied than when mounted on a good horse and riding over the hills at Valley Forge. Few men burdened as he has been with national responsibilities could be so easily accessible, so cordially democratic and yet so attractive through all the best qualities of a man. No one can wonder at the prompt and cordial endorsement which his candidacy has received from all who know him.

Aside from those personal qualities which are best appreciated by his personal friends, Knox is favored by the fact that the logic of succession obviously depends upon the logic of purpose, upon the object to be subserved in the choice of the next President. Manifestly, it is to carry on the great regenerative work which Knox inaugurated and to continue the special policies with which he has been closely identified. This work is the protection of the people against the unrestrained abuses of selfish corporate interests. More intimately than any other living man, Philander C. Knox is associated with the origin, the evolution, the execution and the success of the Roosevelt policies. What has already been accomplished could not have been achieved without the legal acumen and the masterful generalship of a Knox.

Upon assuming the direction of the Department of Justice, Mr. Knox became at once the exponent and executive of the President's policies. He struck out new paths of interpretation and triumphantly carried his cause to the Supreme Court of the United States, with the result that there was a new and enlarged chart of governmental powers. The exposition contained in his great speech in Pittsburg, in 1902, was the beacon light which illuminated this new course.

With the courage of his convictions, he entered the field in behalf of national control and regulation of corporations engaged in interstate commerce, and his labors were speedily crowned by the notable victories which changed the whole face of the situation in the relation of the Government to the great agencies of trade. The injunction on railroads against rebates, the overthrow of railroad traffic pooling, the indictment and defeat of the Beef Trust, and the dissolution of the Northern Securities merger followed within a few months. Then the Judiciary Committees of the Senate and House asked him to point the way to legislation required, and his response became the basis of the

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present Federal law against rebates. Senator Dolliver, who was most active in connection with the railroad-rate bill, said: "In drafting this bill the framers of it were guided very largely by the speech delivered in Pittsburg by the Honorable Senator from Pennsylvania—a speech which reads almost like a judgment from the Supreme Bench."

The principles of the Roosevelt policies are the principles of Senator Knox, for upon him as Attorney-General President Roosevelt depended to give these policies the indestructible form of law and finally to secure for them the approval of the Supreme Court of the United States. He thoroughly believed in their fundamental object in aiding public justice and corporate regulation.

Senator Knox is also distinguished for poise, careful reflection and sound judgment. He has judicial temperament and balance. Twice he has been offered a seat on the Supreme Bench. When asked why he declined it he replied, "I would rather make history than write it"; and that, in one sentence, gives an index to the temper of the man. A man of brilliant mind, of broad views, of strong mental grasp, of sturdy, inflexible integrity, of indomitable courage and of energetic patriotism is the one whom the country needs to-day to carry on the war of the Government for the people. Such a man is Philander C. Knox.

EDWIN S. STUART.

ROBERT MARION LA FOLLETTE.

FOR some time past all the States have been moving forward along parallel lines. The rates of progress have varied, but the general direction has been the same. The irresistible tendency is everywhere toward a larger control by the people over their own Government, and also over those private corporations which, through Government-granted monopoly, exercise a quasi-Governmental power.

The work of Robert M. La Follette in Wisconsin is important because Wisconsin has achieved a more perfect control of her own government than any other State in the Union. If the present tendency continues, every other State in the Union will some day reach the point of political development attained by Wisconsin. It might almost be said that, when we look at the Wisconsin

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of to-day, we see what many other States will be ten years from now. It might almost be said that The Present of Wisconsin is The Future of America. If we want to know what other States and what the United States will be in their political organization in the coming era, we can find the fulfilled prophecy ready to our hand in the present political organization of the State of Wisconsin.

It is interesting, therefore, to consider the career of the man to whom, more than to any other one man, we must grant the credit of having given his State its position in the forefront of the modern democratic movement in America. The movement is the same in Washington, D. C., as it is in Madison, Dane County, Wisconsin. The personal qualities and the public policies needed are in each case the same. What Senator La Follette has done on a State scale can be, and will be, done on a national scale. The only difference is geographical area.

Let us see what has been done in Wisconsin.

Wisconsin can justly claim to be more nearly a representative democracy than any other American State. This is not because the people are more democratic than the people of other States, but because they have had a leader. They have not suddenly gained their position by an excited uprising, but have rallied around a determined leader through a fourteen-year struggle. Each step has been a fight; each move in advance has been an organized attack; defeats have been recouped by greater victories. This would have been impossible without tireless, resourceful and far-sighted leadership. It is not enough that the masses of the people have a longing for the equal justice of democracy—they cannot get it unless they support a leader who knows how to get it, who makes no compromise on essential points, and who can be trusted to sacrifice personal advantage. It seems to me that the greatest thing in the life of La Follette was his abdication at the height of his power in favor of the direct primaries. No man in American politics had ever shown himself a greater master of the party convention system. He had organized the State thoroughly, had elected his delegates, nominated his tickets, written the platforms, dominated the party. Then he abolished the entire system by which he had risen. There are no longer any political nominating conventions in Wisconsin. From the highest to the lowest office, from Senator, Representative and

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Governor to supervisor and alderman, every voter casts his nominating ballot in secret without intervention of party delegates or bosses. And the remarkable spectacle was witnessed of La Follette, the master of the convention system, going before the voters at the primaries, and pleading for his candidate for Governor the same as any other speaker. This was surely supreme proof of his democracy and willingness to trust the people—none the less so that his candidate was defeated.

Much the same is true of the civil service. I have occasionally heard statements that office-holders appointed by La Follette or by his appointees were political workers, and did not give all of their time to the work of the State. I can see how this could be so, while he was fighting without funds against the enormous entrenched power of corporations in politics. But as soon as he was on the eve of complete victory, after ten years of defeat and doubt, he did what no Governor or President has ever done in advocating a civil-service law. Instead of "blanketing in" all of his own appointees, as others have done, he insisted that the new law, enacted solely on his initiative, should require all existing employees to pass an examination within six months to ascertain their fitness to continue in their positions. The examinations were held, some of his appointees failed to pass and were dropped; their places were filled by others who passed the examination. Surely this is proof, both of La Follette's faith in the fitness of his appointees, and of his conviction that democratic government must have efficient public servants. Wisconsin now has a civil-service law combining the best features of the laws of older States and countries, and opening the door of public service to the highest ability and fitness the State can offer. As indicating public confidence in the law, a recent examination for a single position as factory inspector was taken by nearly three hundred applicants.

Indeed, La Follette's strongest claim to the State's gratitude is the character and ability of the men whom his leadership has brought into public life. His methods of campaigning have had a purifying effect. Most notable has been his practice of reading a candidate's record to his constituency. These were the candidates of his own party who had violated their pledges, as given in the party platform, to vote for railway regulation or tax equalization.

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Only the most strongly intrenched men of the party could survive this attack. The result of this and of the direct primaries is a State Legislature superior in intelligence, independence and character to any other American Legislature. Each man does his own thinking, and there are scarcely a half-dozen who take orders from anybody. It is a truly *deliberative* and representative body, and I have heard it stated by an experienced lobbyist from another State that this is the only Legislature that takes up economic questions on their merits, without reference to personal or party advantage. That this is true may be judged from the wonderful growth of the Legislative Reference Department, which is a staff of twenty to fifty people who collect and classify facts on all branches of legislation and aid the Governor and legislators in drafting their bills. Lawmaking in Wisconsin has become scientific, because La Follette has brought a new kind of lawmakers into public life. Ten years ago an election of United States Senator is said to have been a kind of orgie, with "barrels" of champagne and "dough." At the last election the candidates and their agents would not even "set up" the cigars.

Even more remarkable than the legislators are the officials and members of commissions whom La Follette has appointed. He has appreciated the importance of adequate salaries in order to get able men, and has secured legislation providing for the payment of such salaries. At the last session of the Legislature, I heard the leading attorney of the railroad lobby declare at a public hearing that the railroad commission appointed by La Follette stood much higher in ability and knowledge of their subject than the Interstate Commerce Commission. This lawyer had led the fight against creating the commission.

The remarkable change of front on the part of corporations and opponents of La Follette testifies to the justice of his demands. We hear it said, "Why, this is just exactly the kind of legislation we have always been in favor of, but we objected to the methods he used in getting it." It is true that his methods were ruthless. He had been so often deceived by delegates, legislators and officials who went over to the corporations' side after having received his support, that he had learned never to hesitate about sacrificing a man whom he could not trust to support his measures. But, with the measures once adopted, their absolute justice to all interests shines forth. The key to the whole

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situation has been the railway corporations and their lobbies and campaign contributions. La Follette's attack on them and on those whom they controlled was uncompromising. Perhaps the spectacular climax occurred when he denounced the lobby of manufacturers and shippers who came to Madison and adopted resolutions against the rate-regulation bill. He charged them with receiving or expecting rebates, or with being the unwilling agents of railroad coercion. They knew that he was able to show the amount of their rebates through evidence collected in the State investigation of railway books under a La Follette law for the collection of back taxes. Their opposition collapsed; and, later, after the railway commission law was enacted, many of these manufacturers and shippers were foremost in seeking and getting the benefits of the rate regulation they had opposed.

The fundamental fact in La Follette's rate regulation, and the one most severely attacked, was the provision for ascertaining the cost of construction of all the roads—known as "physical valuation." But it turns out that this is the foundation of absolute justice, both to shippers and railroads, in rate regulation. Knowing the physical value, the commission and the public know exactly how much is allowed for other items of value, such as good-will, compensation for risk, etc. The whole question is raised above the level of guesswork, and for the first time the regulation of public service corporations becomes scientific. And only scientific regulation can be just regulation. The demonstration of this fact in the Wisconsin legislation places Senator La Follette in an impregnable position when he takes the lead in demanding of Congress physical valuation of all interstate roads. When in the session of 1907 the Wisconsin Legislature extended regulation to all street-car, water, light, heat and power undertakings, physical valuation was accepted without question as the starting-point.

La Follette's foresight in taking a long look ahead and anticipating possible future abuses is seen in his treatment of water-power franchises. Many of these franchises were granted by recent Legislatures, but in all of them La Follette insisted that one of the terms should be arbitration of rates and services. The public-utility law of 1907 carries out the provision by placing the companies under the jurisdiction of the railroad commission.

Space does not permit an account of other issues and La Fol-

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lette's attitude toward them, such as his advocating employers' liability laws, reasonable hours for railway employees, wage-exemption laws, anti-pass and anti-lobby laws, the recall, the initiative and referendum. These are a part of the one great movement of restoring government to the people and establishing equal opportunity for all.

A great political leader, in the struggle now on to redeem representative government, is one who profoundly understands the economic and political principles involved, and is endowed with the power to point the way out. He must understand that organized control of transportation and industry and finance in the end means absolute industrial and commercial servitude for the citizen, and that, in the end, means political servitude. He must understand that there can be no "good" combinations for the creation of monopoly, to be legalized by undermining the Sherman Anti-Trust Law with misleading amendments. He must believe, with all the fervor of our fathers, in equal opportunity for man, weak or strong, and for capital, big or little. He must have determination and aggressiveness, and the resourcefulness that comes from a long campaign in fighting for what the awakened intelligence of the people demands. He must refuse compromise. There is no middle ground. He must have the sense of justice that is not moved by the spirit of retaliation. He must have confidence in democratic institutions and willingness to subordinate himself to those institutions. La Follette is that kind of a leader. JOHN R. COMMONS.

WILLIAM HOWARD TAFT.

THE distinctive features of the career of Mr. Taft have been rapid promotion, identification with an unusual share of the most important events of his time and the absence of those periods of quiet and comparatively unimportant growth which mark so many life stories. He has been continuously engaged in weighty tasks; each successive service has been characterized by an increasing influence upon most vital questions. Very seldom does a man at the age of fifty years have a record of such a dominating part in the solution of so many important national policies.

He was born at Cincinnati September 15, 1857. His parentage was of the best old New England stock, the Taft family being

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descendants of Robert Taft, who settled at Mendon, Massachusetts, in 1679, and numbering many prominent men. His father, Judge Alphonso Taft, a leading lawyer and local judge at Cincinnati, was Secretary of War under Grant, Attorney-General under Arthur and, later, Minister both to Austria and to Russia. His mother was Miss Louise M. Torrey, of Millbury, Massachusetts. He has three living brothers, each of whom, like himself, is a loyal graduate of Yale College.

In his boyhood days he attended the schools of his home city of Cincinnati, and was the leader among the boys of the suburb of Mount Auburn. He prepared for college at Woodward High School, Cincinnati. He displayed from the first the remarkable physical strength and earnestness which have ever since distinguished him. He also manifested that hearty love for outdoor recreation which has been a saving quality in his intensely active and taxing life. He entered Yale College in 1874 and graduated in 1878 at the age of twenty. He disappointed his schoolmates by declining to employ his tremendous physique on the athletic field; but his wholesome fondness for sport and companionship led him to mingle frequently in college pastimes. His popularity did not suffer because of his absence from football, while the excellent work which his phenomenal energy enabled him to perform in the studies of the college curriculum assured for him substantial admiration. He graduated second in scholarship in a class of 129, and was salutatorian and class orator. The extraordinary esteem of his classmates is attested by the striking circumstance that, as far back as the Minneapolis Republican Convention in 1892, there was a movement among them to have his name presented for the Republican Presidential nomination.

On his return to Cincinnati, he at once entered the Law School, and was graduated with honors and admitted to the bar in 1880.

There can be no more noteworthy proof of his ability than the early recognition which he received after his admission to the bar; and, indeed, it is remarkable that from that time to this he has, in most instances, been promoted to higher and more responsible positions before the completion of the term of each succeeding office. In less than a year, he became Assistant Prosecutor of Hamilton County, and made a vigorous and effectual fight to cleanse Cincinnati of criminals. In the follow-

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ing year of 1882, he was selected by President Arthur for the important office of Collector of Internal Revenue at Cincinnati. Here he instituted important administrative reforms, and obtained his first experience in executive management; but, tiring of this position, he returned to the practice of law in one year. Less than two years later, he was appointed Assistant County Solicitor for Hamilton County, continuing, however, to some extent, the general practice of law, and taking an important part in local politics with an eye to civic reforms. The path that Roosevelt was following in New York Taft was paralleling in Cincinnati.

In March, 1887, when less than thirty years old, he was appointed by Governor Foraker Judge of the Superior Court of Cincinnati, a bench which has been noted for the high standard of its judges; and in the following year he was elected to succeed himself for a term of five years. He was not allowed, however, to complete this term; for in February, 1890, he was appointed Solicitor-General of the United States by President Harrison. While Solicitor-General he prepared and presented to the Supreme Court of the United States some exceptionally important cases, such as the Behring Sea case, in which the Government of Great Britain appeared as a suitor before our Supreme Court; and the lawsuit involving the validity of the McKinley Tariff Law. He also argued the very important question of the validity of Speaker Reed's action in counting a quorum during the Fifty-first Congress. In each of these cases he was successful. While still acting in this position, in March, 1892, he was appointed, by President Harrison, United States Circuit Judge for the Sixth Circuit, including Tennessee, Kentucky, Ohio and Michigan, and in the following year he became the ranking member. He was associated with Judges Day and Lurton, the former now a Justice of the Supreme Court of the United States. It was said of these three that "they made that Court the greatest subordinate Court of the United States, according to the high respect paid it by the whole legal profession."

Judge Taft's work on the bench calls for especial comment, not only on account of his singular fairness and ability, but also on account of the significance which many of his decisions have since assumed. He delivered opinions establishing the principle that, under the Interstate Commerce Statutes, mandatory in-

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junctions will lie directing railway officers and employees to preserve the *status quo* until cases can be brought up for deliberate hearing. This decision he based on the contention that the condition of a railroad is not one of rest, but of action; that the constant operation of train service may be likened to a river of which the current must be allowed to flow without interruption. He decided here, as well as upon the bench of the Superior Court of Cincinnati, that the so-called secondary boycott was illegal, viz., the boycott of an employer or dealer because he patronizes another against whom the immediate or primary boycott is declared. It was, however, held by Judge Taft in the railway cases that striking employees might cease work immediately where their grievance against the company of their employment was a direct one, and his reasoning in this case was made the basis for a decision in a later case in which his exact words in favor of the right of railway employees to strike were quoted.

It was his distinction also to render the first important decision under the Sherman Anti-Trust Act of 1890. This was in the case of the Addyston Pipe and Steel Company, which, with other manufacturers of certain products, had divided the country into sections in which each of the concerns involved in the agreement was to have the exclusive right to sell. Judge Taft, in an opinion, pointed out the distinction between legitimate incidental contracts in restraint of trade and those deliberately designed to restrict competition and enhance prices. The latter were held to be violations of the Anti-Trust Act when relating to interstate commerce. The United States Supreme Court sustained this decision.

In March, 1900, a marked line of cleavage in the life of Mr. Taft came with his appointment by President McKinley to the Presidency of the Philippine Commission. From this point he ceases to be Taft the Judge, weighing the formal arguments of counsel, and appears as Taft the energetic and resourceful executive. The difficulty of the problem presented by the Philippine Islands has seldom been brought fully to the attention of the country. None of the precedents of the Spanish administration of tyranny and selfishness offered any suggestion toward its solution. The natives were still in a pitifully distrustful state of fear and insurrection. The commerce of the archipelago was

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dead, and the most valuable lands were in the hands of the Spanish Friars. His first move was to assure the Filipinos of our good-will and friendly intent, and to call upon them for suggestion and co-operation in restoring prosperity. He made the promise that he would remain among them until order had been thoroughly established and some measure of self-government could be granted. Yet, along with these statements, the formal announcement was made that independence was not to be expected and that the measure of liberty conferred by the United States would be proportionate to deserts only. He set at work to destroy the *régime* of turbulence and brigandage. A measure of municipal autonomy was granted. The construction of highways was commenced. Agricultural experts were brought from the United States to teach improved methods of cultivation. A health department was organized to check the frequently recurring epidemics. A thousand American teachers came. Universal amnesty was granted on the establishment of civil power July 4th, 1901. The purchase of lands from the Friars was effected and they were resold at cost to the natives. A judicial system was supported by an insular police and a native constabulary. Finally the finances were placed upon a sound foundation.

Mr. Taft's personality and attitude, however, were the most effective factors in conciliation. He mingled with the people and gave open hearings to the stories of their wrongs. His policy was called by a Spanish editor in Manila "a policy of attraction." He sought to prove the disinterested integrity and official good intent of America. The most careful supervision was exercised over officials from the United States. No spoils were to be permitted in America's colonies. It would be impossible to find among those who have gone forth to a foreign country an administrator whose record for justice and consideration of the natives was nobler, or whose achievements were more notable than those of Mr. Taft in the Philippines. As a result he is honored and beloved by the varied millions of the islands.

It is not without reason that President McKinley remarked that for the charge of the Philippine Islands a man was required fitted both to be President and Chief Justice of the Supreme Court. After this expression of opinion, Judge Day, who was his companion, responded, "That means Judge Taft," and McKinley expressed his hearty acquiescence in the suggestion.

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At the end of 1902, he was twice tendered the position of Justice of the Supreme Court of the United States. This honor he refused with a request that he be allowed to complete the work on which he had entered. Nor did he relinquish his position in the Philippines until a revolution had been wrought in conditions on the islands. Thus it was with the consciousness of duty done that he was able to accept a position in the Cabinet of President Roosevelt as Secretary of War, the duties of which he undertook on the 1st of February, 1904.

His entrance upon this position marks still another epoch in his career. The department of which he has been the head has especially to do with all our outlying possessions, and with the very delicate relations of the United States with Cuba. In all these the War Secretary has exercised a controlling influence, and has, by his diplomacy and his grasp of the needs and desires of these islanders, won eminent success. He was twice in Cuba after the insurrection; he brought the warring elements together in April, 1907, and outlined a solution for the resumption of self-government which was accepted by all the Cubans. While showing ability as a diplomat, he is especially accomplished as a pacificator. He listens to the advocates of all interests, and, by repressing unreasonable or absurd demands, points out a path to settlement which, by reason of his powerful personality and the confidence in his fairness, all interests accept.

He has also been in control of the world's greatest public work, the Panama Canal. He has exercised a guiding influence on the form and methods of construction, and has given such impetus to the work that final completion is no longer regarded as in the remote future.

Of the multiplicity and importance of the tasks now daily devolving upon him little need be said. It must be borne in mind that he is not only Secretary of War, but, in effect, Colonial Secretary and, in an important sense, Director of the Public Works of the Government. He has been termed "the busiest man in a busy Government." The attention which he is devoting to the pressing needs of the country, however, promises to be productive of happy solutions of many troublesome difficulties.

Among Mr. Taft's especial qualifications for the Presidency may be mentioned his varied experience, which has given him a specific knowledge of the different branches of our Government

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and a broad, general training for the conduct of affairs. He also has the rare union of a judicial temperament with a remarkable gift for administrative management. He possesses a keen faculty for eliminating the non-essentials from a complicated problem and coming directly to its substance. While he has a fondness for details, yet details can never divert him from the main question to be decided. His capacity for work is something enormous. Quite as helpful, however, is the equable temperament of the man, which will not allow the annoyances of life to distract or hamper him. Those who meet him almost forget the big things he has done, so wholly are they occupied by his affable and friendly personality and his kindly humor. Occupants of high station are all in the long run judged as men; and under this standard Secretary Taft is now, and will ever be, known for his broad sympathies with every grade of humanity, and as one intensely imbued with the democratic spirit which should characterize a free American. No one can hesitate for a moment to recognize his severity in dealing with wrong-doing; but he has a more attractive side in his charm of manner. In fine, Taft the man, independent of official position, would have a commanding influence in public life, because he has those qualities which inspire the confidence and affection of the people.

He would bring to the Presidency a practical experience surpassed by that of no one of his predecessors. In the external relations of the country his comprehension of both national and international subjects would furnish certainty of amity and of sustained prestige. To the problems of greater America, of our dependent colonies and less advanced allies, his whole-souled humanity and familiar association with the outlying tribes of the earth would guarantee kindly and understanding attention. At home, in dealing with the grave social and civil questions now pressing upon the body politic, his administration would be equally marked by conservatism and progressiveness. No honest enterprise need fear him. No dishonest scheme could hope to hide its face from the light or to escape punishment. The people would have an assured hope for the secure development and progress of the country, and would rest safe in the reliance that a Chief Executive was at the helm who, in peace or in war, would guide the destinies of the nation with a strong hand and with a gentle heart. THEODORE E. BURTON.

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THE STATES AND THE FEDERAL GOVERNMENT.

BY WOODROW WILSON.

THE question of the relation of the States to the Federal Government is the cardinal question of our constitutional system. At every turn of our national development we have been brought face to face with it, and no definition either of statesmen or of judges has ever quieted or decided it. It cannot, indeed, be settled by the opinion of any one generation, because it is a question of growth, and every successive stage of our political and economic development gives it a new aspect, makes it a new question. The general lines of definition which were to run between the powers granted to Congress and the powers reserved to the States the makers of the Constitution were able to draw with their characteristic foresight and lucidity; but the subject-matter of that definition is constantly changing, for it is the life of the nation itself. Our activities change alike their scope and their character with every generation. The old measures of the Constitution are every day to be filled with new grain as the varying crop of circumstances comes to maturity. It is clear enough that the general commercial, financial, economic interests of the country were meant to be brought under the regulation of the Federal Government, which should act for all; and it is equally clear that what are the general commercial, financial, economic interests of the country is a question of fact, to be determined by circumstances which change under our very eyes, and that, case by case, we are inevitably drawn on to include under the established definitions of the law matters new and unforeseen which seem in their magnitude to give to the powers of Congress a sweep and vigor certainly never conceived possible by earlier generations of statesmen, sometimes almost revolutionary even in our own eyes.

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The subject-matter of this troublesome definition is the living body of affairs.

It is difficult to discuss so critical and fundamental a question calmly and without party heat or bias when it has come once more, as it has now, to an acute stage. Just because it lies at the heart of our constitutional system, to decide it wrongly is to alter the whole structure and operation of our government, for good or for evil, and one would wish never to see the passion of party touch it to distort it. A sobering sense of responsibility should fall upon every one who handles it. No man should argue it this way or that for party advantage. Desire to bring the impartial truth to light must in such a case be the first dictate alike of true statesmanship and of true patriotism. Every man should seek to think of it and to speak of it in the true spirit of the founders of the government.

Almost every great internal crisis in our affairs has turned upon the question of State and Federal rights. To take but two instances, it was the central subject-matter of the great controversy over tariff legislation which led to attempted Nullification and of the still greater controversy over the extension of slavery which led to the war between the States; and these two controversies did more than any others in our history to determine the scope and character of the Federal government.

The principle of the division of powers between State and Federal governments is a very simple one when stated in its most general terms. It is that the Legislatures of the States shall have control of all the general subject-matter of law, of private rights of every kind, of local interests and of everything that directly concerns their people as communities,—free choice with regard to all matters of local regulation and development, and that Congress shall have control only of such matters as concern the peace and the commerce of the country as a whole. The opponents of the tariff of 1824 objected to the tariff system which Congress was so rapidly building up that it went much beyond the simple and legitimate object of providing the Federal Government with revenues in such a way as to stimulate without too much disturbing the natural development of the country and was unmistakably intended to guide and determine the whole trend of the nation's economic evolution, preferring the industries of one section of the country to those of another in its bestowal of pro-

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tection and encouragement and so depriving the States as self-governing communities of all free economic choice in the development of their resources. Congress persisted in its course; Nullification failed as even an effectual protest against the power of a government of which General Jackson was the head,—never so sure he was right as when he was opposed; and a critical matter, of lasting importance, was decided. The Federal Government was conceded the power to determine the economic opportunities of the States. It was suffered to become a general providence, to which each part of the country must look for its chance to make lucrative use of its material resources.

The slavery question, though it cut deep into the social structure of a great section of the country and contained such heat as could not, when once given vent, be restrained from breaking into flame, as the tariff controversy had been, was, after all, a no more fundamental question, in its first essential form, than the question of the tariff. Could Congress exclude slavery from the Territories of the United States and from newly formed States? If it could, manifestly the slavery system, once restricted in territory, would in time die of the strictures which bound it. Mr. Lincoln was quite right when he said that no nation could exist half slave and half free. But that was only by consequence. The immediate question was the power of Congress to determine the internal social and economic structure of society in the several States thereafter to be formed. It is not to my present purpose to trace the circumstances and influences which brought on the Civil War. The abolition of slavery by war, though natural, was not the necessary legal consequence of the contention that Congress possessed the power which it had exercised in the constitution of the Northwest Territory and in the enactment of the Missouri Compromise. What happened before the momentous struggle was over came about by the mere logic of human nature, by stress of human passion. What concerns me in the present discussion is that here, again, as in the building up of a fostering tariff, what turned out to be a far-reaching change in the very conception of Federal power had as its central point of controversy the question of the powers of the States as against the powers of the Government at Washington. The whole spirit and action of the Government were

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deeply altered in carrying that question one stage further toward a settlement.

And I am particularly interested to point out that here again, as in the tariff question, it was an inevitable controversy, springing, not out of theory, not out of the uneasy ambition of statesmen, but out of mere growth and imperious circumstance. Population was spreading over the great western areas of the country; new communities were forming, upon which lawyers could lay no binding prescription as to the life they should lead; new Territories were constantly to be organized, new States constantly to be admitted to the Union. A choice which every day assumed new forms was thrust upon Congress. Events gave it its variety, and Congress could not avoid the influences of opinion, which altered as circumstances changed, as it became more and more clear what the nation was to be. It was of the very stuff of daily business, forced upon Congress by the opinion of the country, to answer the question, What shall these new communities be allowed to do with themselves, what shall they be suffered to make of the nation? May Congress determine, or is it estopped by the reserved powers of the States? The choices of growth cannot be postponed, and they seem always to turn upon some new doubt as to where the powers of the States leave off and the powers of the Federal Government begin.

And now the question has come upon us anew. It is no longer sectional, but it is all the more subtle and intricate, all the less obvious and tangible in its elements, on that account. It involves, first or last, the whole economic movement of the age and necessitates an analysis which has not yet been even seriously attempted. Which parts of the many-sided processes of the nation's economic development shall be left to the regulation of the States, which parts shall be given over to the regulation of the Federal Government? I do not propound this as a mere question of choice, a mere question of statesmanship, but also as a question, a very fundamental question, of constitutional law. What, reading our Constitution in its true spirit, neither sticking in its letter nor yet forcing it arbitrarily to mean what we wish it to mean, shall be the answer of our generation to the old question of the distribution of powers between Congress and the States? For us, as for previous generations, it is a deeply critical question. The very stuff of all our political principles, of all our

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political experience, is involved in it. In this all too indistinctly marked field of right choice our statesmanship shall achieve new triumphs or come to eventual shipwreck.

The old theory of the sovereignty of the States, which used so to engage our passions, has lost its vitality. The war between the States established at least this principle, that the Federal Government is, through its courts, the final judge of its own powers. Since that stern arbitrament it would be idle, in any practical argument, to ask by what law of abstract principle the Federal Government is bound and restrained. Its power is "to regulate commerce between the States," and the attempts now made during every session of Congress to carry the implications of that power beyond the utmost boundaries of reasonable and honest inference show that the only limits likely to be observed by politicians are those set by the good sense and conservative temper of the country.

The proposed Federal legislation with regard to the regulation of child labor affords a striking example. If the power to regulate commerce between the States can be stretched to include the regulation of labor in mills and factories, it can be made to embrace every particular of the industrial organization and action of the country. The only limitation Congress would observe, should the Supreme Court assent to such obviously absurd extravagances of interpretation, would be the limitations of opinion and of circumstance.

It is important, therefore, to look at the facts and to understand the real character of the political and economic materials of our own day with a clear and statesmanlike vision, as the makers of the Constitution understood the conditions they dealt with. If the jealousies of the colonies and of the little States which sprang out of them had not obliged the makers of the Constitution to leave the greater part of legal regulation in the hands of the States, it would have been wise, it would even have been necessary, to invent such a division of powers as was actually agreed upon. It is not, at bottom, a question of sovereignty or of any other political abstraction; it is a question of vitality. Uniform regulation of the economic conditions of a vast territory and a various people like the United States would be mischievous, if not impossible. The statesmanship which really attempts it is premature and unwise. Undoubtedly the recent economic devel-

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opment of the country, particularly the development of the last two decades, has obliterated many boundaries, made many interests national and common which until our own day were separate and distinct; but the lines of these great changes we have not yet clearly traced or studiously enough considered. To distinguish them and provide for them is the task which is to test the statesmanship of our generation; and it is already plain that, great as they are, these new combinations of interest have not yet gone so far as to make the States mere units of local government. Not our legal conscience merely, but our practical interests as well, call upon us to discriminate and be careful, with the care of men who handle the vital stuff of a great constitutional system.

The United States are not a single, homogeneous community. In spite of a certain superficial sameness which seems to impart to Americans a common type and point of view, they still contain communities at almost every stage of development, illustrating in their social and economic structure almost every modern variety of interest and prejudice, following occupations of every kind, in climates of every sort that the temperate zone affords. This variety of fact and condition, these substantial economic and social contrasts, do not in all cases follow State lines. They are often contrasts between region and region rather than between State and State. But they are none the less real, and are in many instances permanent and ineradicable.

From the first the United States have been socially and economically divided into regions rather than into States. The New England States have always been in most respects of a piece; the Southern States had always more interests in common than points of contrast; and the Middle States were so similarly compounded even in the day of the erection of the government that they might without material inconvenience have been treated as a single economic and political unit. These first members of the Union did, indeed, have an intense historical individuality which made them easily distinguishable and rendered it impossible, had any one dreamed of it, to treat them as anything but what they were, actual communities, quick with a character and purpose of their own. Throughout the earlier process of our national expansion States formed themselves, for the most part, upon geographical lines marked out by nature, within the limiting flood of great rivers or the lifted masses of great mountain chains; with here

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and there a parallel of latitude for frontier, but generally within plots of natural limit where those who had set up homes felt some natural and obvious tie of political union draw them together. In later years, when States were to be created upon the great plains which stretched their fertile breadths upon the broad mid-surfaces of the continent, the lines chosen for boundaries were those which had been run by the theodolite of the public surveyor, and States began to be disposed upon the map like squares upon a great chess board, where the human pieces of the future game of politics might come to be moved very much at will, and no distinct economic, though many social, varieties were to be noted among neighbor commonwealths.

But, while division by survey instead of by life and historical circumstance no doubt created some artificial political divisions with regard to which the old theories of separate political sovereignty seemed inapplicable enough, the contrasts between region and region were in no way affected, resemblances were rendered no more striking than the differences which remained. We have been familiar from the first with groups of States united in interest and character; we have been familiar from the first also with groups of States contrasted by obvious differences of occupation and of development. These differences are almost as marked now as they ever were, and the vital growth of the nation depends upon our recognizing and providing for them. It will be checked and permanently embarrassed by ignoring them.

We are too apt to think that our American political system is distinguished by its central structure, by its President and Congress and courts, which the Constitution of the Union set up. As a matter of fact, it is distinguished by its local structure, by the extreme vitality of its parts. It would be an impossibility without its division of powers. From the first it has been a nation in the making. It has come to maturity by the stimulation of no central force or guidance, but by the abounding self-helping, self-sufficing energy of its parts, which severally brought themselves into existence and added themselves to the Union, pleasing first of all themselves in the framing of their laws and constitutions, not asking leave to exist, but existing first and asking leave afterwards, self-originated, self-constituted, self-confident, self-sustaining, veritable communities, demanding only recognition. Communities develop, not by external, but by

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internal forces. Else they do not live at all. Our commonwealths have not come into existence by invitation, like plants in a tended garden; they have sprung up of themselves, irrepressible, a sturdy, spontaneous product of the nature of men nurtured in a free air.

It is this spontaneity and variety, this independent and irrepressible life of its communities, that has given our system its extraordinary elasticity, which has preserved it from the paralysis which has sooner or later fallen upon every people who have looked to their central government to patronize and nurture them. It is this, also, which has made our political system so admirable an instrumentality of vital constitutional understandings. Throughout these lectures I have described constitutional government as that which is maintained upon the basis of an intimate understanding between those who conduct government and those who obey it. Nowhere has it been possible to maintain such understandings more intimately or with a nicer adjustment to every variety of circumstance than in the United States. The distribution of the chief powers of government among the States is the localization and specialization of constitutional understandings; and this elastic adaptation of constitutional processes to the various and changing conditions of a new country and a vast area has been the real cause of our political success.

The division of powers between the States and the Federal Government effected by our Federal Constitution was the normal and natural division for this purpose. Under it the States possess all the ordinary legal choices that shape a people's life. Theirs is the whole of the ordinary field of law: the regulation of domestic relations and of the relations between employer and employee, the determination of property rights and of the validity and enforcement of contracts, the definition of crimes and their punishments, the definition of the many and subtle rights and obligations which lie outside the fields of property and contract, the establishment of the laws of incorporation and of the rules governing the conduct of every kind of business. The presumption insisted upon by the Courts in every argument with regard to the Federal Government is that it has no power not explicitly granted it by the Federal Constitution or reasonably to be inferred as the natural or necessary accompaniment of the powers there conveyed to it; but the presumption with regard to

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the powers of the States they have always held to be of exactly the opposite kind. It is that the States of course possess every power that government has ever anywhere exercised, except only those powers which their own constitutions or the Constitution of the United States explicitly or by plain inference withhold. They are the ordinary governments of the country; the Federal Government is its instrument only for particular purposes.

Congress is, indeed, the immediate government of the people. It does not govern the States, but acts directly upon individuals, as directly as the governments of the States themselves. It does not stand at a distance and look on,—to be ready for an occasional interference,—but is the immediate and familiar instrument of the people in everything that it undertakes, as if there were no States. The States do not stand between it and the people. But the field of its action is distinct, restricted, definite.

We are not concerned in our present discussion with its powers as representative of the people in regulating the foreign affairs of the country. The discussion of the relation of the States to the Federal Government does not touch that field. About it there has never been doubt or debate. Neither is the power of the Federal Government to tax, or to regulate the military establishments of the country any longer in dispute, even though the Federal Government use its power to tax to accomplish many an indirect object of economic stimulation or control which touches the independent industrial choices of the States very nearly. The one source from which all debatable Federal powers of domestic regulation now spring is the power to regulate commerce between the States.

The chief object of the Union and of the revision of the Articles of Confederation was undoubtedly commercial regulation. It was not political, but economic, warfare between the States which threatened the existence of the new Union and made every prospect of national growth and independence doubtful,—the warfare of selfish commercial regulation. It was intended, accordingly, that the chief, one might almost say the only, domestic power of Congress in respect of the daily life of the people should be the power to regulate commerce.

It seemed a power susceptible of very simple definition at the first. Only in our own day of extraordinary variation from the older and simpler types of industry has it assumed aspects both

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new and without limit of variety. It is now no longer possible to frame any simple or comprehensive definition of "commerce." Above all is it difficult to distinguish the "commerce" which is confined within the boundaries of a single State and subject to its domestic regulation from that which passes from State to State and lies within the jurisdiction of Congress. The actual interchange of goods, which, strictly speaking, is commerce, within the narrow and specific meaning of the term, is now so married to their production under our great modern industrial combinations, organization and community of interest have so obscured the differences between the several parts of business which once it was easy to discriminate, that the power to regulate commerce subtly extends its borders every year into new fields of enterprise and prys into every matter of economic effort.

Added to this doubt and difficulty of analysis which makes it a constant matter of debate what the powers of Congress are is the growing dissatisfaction with the part the States are playing in the economic life of the day. They either let the pressing problems of the time alone and attempt no regulation at all, however loudly opinion and circumstance itself may call for it, or they try every half-considered remedy, embark upon a thousand experiments, and bring utter confusion upon the industry of the country by contradicting and offsetting each other's measures. No two States act alike. Manufacturers and carriers who serve commerce in many States find it impossible to obey the laws of all, and the enforcement of the laws of the States in all their variety threatens the country with a new war of conflicting regulations as serious as that which made the Philadelphia convention of 1787 necessary and gave us a new Federal Constitution. This conflict of laws in matters which vitally interest the whole country and in which no State or region can wisely stand apart to serve any particular interest of its own constitutes the greatest political danger of our day. It is more apt and powerful than any other cause to bring upon us radical and ill-considered changes. It confuses our thinking upon essential matters and makes us hasty reformers out of mere impatience. We are in danger of acting before we clearly know what we want or comprehend the consequences of what we do,—in danger of altering the character of the government in order to escape a temporary inconvenience.

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We are an industrial people. The development of the resources of the country, the command of the markets of the world, is for the time being more important in our eyes than any political theory or lawyer's discrimination of functions. We are intensely "practical," moreover, and insist that every obstacle, whether of law or fact, be swept out of the way. It is not the right temper for constitutional understandings. Too "practical" a purpose may give us a government such as we never should have chosen had we made the choice more thoughtfully and deliberately. We cannot afford to belie our reputation for political sagacity and self-possession by any such hasty processes as those into which such a temper of mere impatience seems likely to hurry us.

The remedy for ill-considered legislation by the States, the remedy alike for neglect and mistake on their part, lies, not outside the States, but within them. The mistakes which they themselves correct will sink deeper into the consciousness of their people than the mistakes which Congress may rush in to correct for them, thrusting upon them what they have not learned to desire. They will either themselves learn their mistakes, by such intimate and domestic processes as will penetrate very deep and abide with them in convincing force, or else they will prove that what might have been a mistake for other States or regions of the country was no mistake for them, and the country will have been saved its wholesome variety. In no case will their failure to correct their own measures prove that the Federal Government might have forced wisdom upon them.

There is, however, something else that comes to the surface, and that explains not a little of our present dissatisfaction with State legislation upon matters of vital national importance. Their failure to correct their own processes may prove that there is something radically wrong with the structure and operation of their governments,—that they have ceased to be sensitive and efficient instruments for the creation and realization of opinion,—the real function of constitutional governments.

It is better to learn the true political lesson than merely to improve business. There is something involved which is deeper than the mere question of the distribution of legislative powers within our Federal system. We have come to the test of the intimate and detailed processes of self-government to which it was supposed that our principles and our experience had committed us.

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There are many evidences that we are losing confidence in our State Legislatures, and yet it is evident that it is through them that we attempt all the more intimate measures of self-government. To lose faith in them is to lose faith in our very system of government, and that is a very serious matter. It is this loss of confidence in our local legislatures that has led our people to give so much heed to the radical suggestions of change made by those who advocate the use of the initiative and the referendum in our processes of legislation, the virtual abandonment of the representative principle and the attempt to put into the hands of the voters themselves the power to initiate and negative laws, —in order to enable them to do for themselves what they have not been able to get satisfactorily done through the representatives they have hitherto chosen to act for them.

Such doubts and such consequent proposals of reform should make us look deeper into this question than we have hitherto looked. It may turn out, upon examination, that what we are really dissatisfied with is not the present distribution of powers between the State and Federal authorities, but the character of our State governments. If they were really governments by the people we should not be dissatisfied with them. We are impatient of State Legislatures because they seem to us less representative of the thoughtful opinion of the country than Congress is. We know that our Legislatures do not think alike, but we are not sure that our people do not think alike. If there is a real variety of opinion among our people in the several regions of the country, we would be poor lovers of democratic self-government were we to wish to see those differences overridden by the majorities of a central Legislature. It is to be hoped that we still sufficiently understand the real processes of political life to know that a growing country must grow, that opinion such as government can be based upon develops by experience, not by authority, that a region forced is a region dissatisfied, and that spontaneous is better, more genuine, more permanent than forced agreement.

The truth is that our State governments are many of them no longer truly representative governments. We are not, in fact, dissatisfied with local representative assemblies and the government which they impose; we are dissatisfied, rather, with regulations imposed by commissions and assemblies which are no

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longer representative. It is a large subject, of many debatable parts, and I can only touch upon it here, but the fact is that we have imposed an impossible task upon our voters, and that because it is impossible they do not perform it. It is impossible for the voters of any busy community actually to pick out or in any real sense choose the very large number of persons we call upon them under our present State Constitutions to elect. They have neither the time nor the quick and easy means of co-operation which would enable them to make up the long lists of candidates for offices local and national upon which they are expected to act. They must of necessity leave the selection to a few persons who, from one motive or another, volunteer to make a business of it. These are the political bosses and managers whom the people obey and affect to despise. It is unjust to despise them. Under a system of innumerable nominations they are indispensable. A system of so-called popular elections like ours could not be operated successfully without them. But it is true that by their constant and professional attention to the business of nomination a real popular choice of candidates is done away with entirely, and that our State officers and legislators are in effect appointed, not elected. The question at an election is only which set of appointees shall be put into office, those appointed by the managers and bosses of this party or of that. It is this, whether our people are distinctly conscious of it or not, which has so seriously impaired their confidence in the State Legislatures and which has made them look about for new means by which to obtain a real choice in affairs.

Members of Congress are themselves voted for on the lists which the local managers prepare, are themselves appointed to their candidacy as the candidates for local functions are, but because they are relatively few in number and their office national, attention is more or less concentrated upon them. There is a more general interest in their selection, by which party managers are sure to be somewhat checked and guided. After their election, moreover, they become members of an assembly highly organized and disciplined and act under a very strict party responsibility in which the personal force and character of the Speaker of the House plays a greater part than their own. The man by whom they are led is scarcely less conspicuous as a national figure than the President himself and they are but wheels

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in a great piece of machinery which is made sensitive to opinion in ways which local managers in no sort control. The opinion of the whole country beats upon them. The country feels, therefore, that, however selected, they are in some sense more representative, more to be depended on to register its thoughtful judgments, than the members of State Legislatures are.

It is for this reason as much as for any other that the balance of powers between the States and the Federal Government now trembles at an unstable equilibrium and we hesitate into which scale to throw the weight of our purpose and preference with regard to the legislation by which we shall attempt to thread the maze of our present economic needs and perplexities. It may turn out that what our State governments need is not to be sapped of their powers and subordinated to Congress, but to be reorganized along simpler lines which will make them real organs of popular opinion. A government must have organs; it cannot act inorganically, by masses. It must have a lawmaking body; it can no more make laws through its voters than it can make them through its newspapers.

It would be fatal to our political vitality really to strip the States of their powers and transfer them to the Federal Government. It cannot be too often repeated that it has been the privilege of separate development secured to the several regions of the country by the Constitution, and not the privilege of separate development only, but also that other more fundamental privilege that lies back of it, the privilege of independent local opinion and individual conviction, which has given speed, facility, vigor, and certainty to the processes of our economic and political growth. To buy temporary ease and convenience for the performance of a few great tasks of the hour at the expense of that would be to pay too great a price and to cheat all generations for the sake of one.

Undoubtedly the powers of the Federal Government have grown enormously since the creation of the Government; and they have grown for the most part without amendment of the Constitution. But they have grown in almost every instance by a process which must be regarded as perfectly normal and legitimate. The Constitution cannot be regarded as a mere legal document, to be read as a will or a contract would be. It must of the necessity of the case be a vehicle of life. As

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the life of the nation changes so must the interpretation of the document which contains it change, by a nice adjustment determined, not by the original intention of those who drew the paper, but by the exigencies and the new aspects of life itself. Changes of fact and alterations of opinion bring in their train actual extensions of community of interest, actual additions to the catalogue of things which must be included under the general terms of the law. The commerce of great systems of railway is of course not the commerce of wagon roads, the only land commerce known in the days when the Constitution was drafted. The common interests of a nation bound together in thought and interest and action by the telegraph and the telephone, as well as by the rushing mails which every express train carries, have a scope and variety, an infinite multiplication and intricate interlacing of which a simpler day can have had no conception. Every general term of the Constitution has come to have a meaning as varied as the actual variety of the things which the country now shares in common.

The character of the process of constitutional adaptation depends first of all upon the wise or unwise choice of statesmen, but ultimately and chiefly upon the opinion and purpose of the courts. The chief instrumentality by which the law of the Constitution has been extended to cover the facts of national development has been judicial interpretation, the decisions of the courts. The process of formal amendment of the Constitution was made so difficult by the provisions of the Constitution itself that it has seldom been feasible to use it; and the difficulty of formal amendment has undoubtedly made the courts more liberal, not to say more lax, in their interpretation than they would otherwise have been. The whole business of adaptation was theirs, and they have undertaken it with open minds, sometimes even with boldness and a touch of audacity. But, though they have sometimes been lax, though they have sometimes yielded, it may be, to the pressure of popular agitation and of party interest, they have not often overstepped the bounds of legitimate extension. By legitimate extension I mean extension which does not change the character of the Federal power but only its items,—which does not make new kinds, but only new particulars of power.

The members of courts are necessarily men of their own gen-

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eration: we would not wish to have them men of another. Constitutional law, as well as statesmanship, must look forward, not backward, and, while we should wish the courts to be conservative, we should certainly be deeply uneasy were they to hold affairs back from their natural alteration. Change as well as stability may be conservative. Conservative change is conservative, not of prejudices, but of principles, of established purposes and conceptions, the only things which in government or in any other field of action can abide. Conservative progress is a process, not of revolution, but of modification. In our own case and in the matter now under discussion it consists in a slowly progressive modification and transfer of functions as between the States and the Federal Government along the lines of actual development, along the lines of actual and substantial alterations of interest and of that national consciousness which is the breath of all true amendment,—and not along lines of party or individual purpose, nor by way of desperate search for remedies for existing evils.

No doubt courts must "make" law for their own day, must have the insight which adapts law to its uses rather than its uses to it, must sometimes venture upon decisions which have a certain touch of statesmanlike initiative in them. We shall often find ourselves looking to them for strong and fearless opinions. But there are two kinds of "strong" opinions, as a distinguished English jurist long ago pointed out. There are those which are strong with the strength of insight and intelligence and those which are strong with the mere strength of will. The latter sort all judges who act with conscience, mindful of their oaths of office, should eschew as they would eschew the actual breaking of law. That the Federal courts should have such a conscience is essential to the integrity of our whole national action. Actual alterations of interest in the make-up of our national life, actual, unmistakable changes in our national consciousness, actual modifications in our national activities such as give a new aspect and significance to the well-known purposes of our fundamental law, should of course be taken up into decisions which add to the number of things of which the national Government must take cognizance and regulative control. That is a function of insight and intelligence. The courage it calls for on the part of the courts is the courage of conviction. But they are, on the other

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hand, called on to display the more noble courage which defends ancient conviction and established principle against the clamor, the class interests and the changeful moods of parties. They should never permit themselves wilfully to seek to find in the phrases of the Constitution remedies for evils which the Federal Government was never intended to deal with.

Moral and social questions originally left to the several States for settlement can be drawn into the field of Federal authority only at the expense of the self-dependence and efficiency of the several communities of which our complex body politic is made up. Paternal morals, morals enforced by the judgment and choices of the central authority at Washington, do not and cannot create vital habits or methods of life unless sustained by local opinion and purpose, local prejudice and convenience,—unless supported by local convenience and interest; and only communities capable of taking care of themselves will, taken together, constitute a nation capable of vital action and control. You cannot atrophy the parts without atrophying the whole. Deliberate adding to the powers of the Federal Government by sheer judicial authority, because the Supreme Court can no longer be withstood or contradicted in the States, both saps the legal morality upon which a sound constitutional system must rest and deprives the Federal structure as a whole of the vitality which has given the Supreme Court itself its increase of power. It is the alchemy of decay.

It would certainly mean that we had acquired a new political temper, never hitherto characteristic of us, that we had utterly lost confidence in what we set out to do, were we now to substitute abolition for reform,—were we by degrees to do away with our boasted system of self-government out of mere impatience and disgust, like those who got rid of an instrument they no longer knew how to use. There are some hopeful signs that we may be about to return to the better way of a time when we knew how to restrict government and adapt it to our uses in accordance with principles we did not doubt, but adhered to with an ardent fervor which was the best evidence of youth and virility. We have long been painfully conscious that we have failed in the matter of city government. It is an age of cities, and if we cannot govern our cities we cannot govern at all. For a little while we acted as if in despair. We began to strip our city gov-

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ernments of their powers and to transfer them to State commissions or back to the Legislatures of the States, very much as we are now stripping the States of their powers and putting them in the hands of Federal commissions. The attempt was made to put the police departments of some of our cities, for example, in the hands of State officers, and to put the granting of city franchises back into the hands of the central Legislature of the State, in the hope, apparently, that a uniform regulation of such things by the opinion of the whole State might take the place of corrupt control by city politicians. But it did not take us long, fortunately, to see that we were moving in the wrong direction. We have now turned to the better way of reconsidering the whole question of the organization of city governments, and are likely within a generation to purify them by simplifying them, to moralize them by placing their government in the hands of a few persons who can really be selected by popular preference instead of by the private processes of nomination by party managers, and who, because few and conspicuous, can really be watched and held to a responsibility which they will honor because they cannot escape.

It is to be hoped that we shall presently have the same light dawn upon us with regard to our State governments, and, instead of upsetting an ancient system, hallowed by long use and deep devotion, revitalize it by reorganization. And that, not only because it is an old system long beloved, but also because we are certified by all political history of the fact that centralization is not vitalization. Moralization is by life, not by statute, by the interior impulse and experience of communities, not by fostering legislation which is merely the abstraction of an experience which may belong to a nation as a whole or to many parts of it without having yet touched the thought of the rest anywhere to the quick. The object of our Federal system is to bring the understandings of constitutional government home to the people of every part of the nation, to make them part of their consciousness as they go about their daily tasks. If we cannot successfully effect its adjustments by the nice local adaptations of our older practice, we have failed as constitutional statesmen.

WOODROW WILSON.

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HOW TO GIVE NEW YORK THE BEST POLICE FORCE IN THE WORLD.

BY THEODORE A. BINGHAM.

NEW YORK ought to have the best police force in the world, not only as a matter of pride in her own sturdy growth and importance, but because, as a matter of fact, she needs it more than any other city in the world, in order to cope effectively with the peculiar conditions affecting the protection of life and property there, due partly to the physical conformation of the city, and also, in large part, to the peculiar character of its population.

The narrow length of the city and the growth of its business lead directly to dense congestion of population. This is true not only as regards the homes of the great mass of the people, but also as regards the buildings in which they earn their living and in which the business of the city is carried on. The development of the so-called "sky-scrapers" adds enormously to the density of the people per square foot of surface, and yet the streets surrounding and leading to all these centres of density are no wider than before. Theoretically the street in front of a sky-scraper should be widened to double its former width in order to maintain proper traffic relations. In spite of Federal laws the criminals of the Old World enter with comparative freedom at this port; many gravitate here who enter from other directions.

In the consideration of this subject comparison is naturally made between New York and London. But in a number of ways the police work of London is simpler than that of New York. While the district covered by the London police has a population of 6,576,648 and a patrol force of 13,268 men (one patrolman to 496 inhabitants), still it has a compact area almost entirely built up, except for parks and commons, penetrated by a single comparatively narrow river.

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New York, with a population of 4,285,245 and a patrol force of 7,839 men (one patrolman to 547 inhabitants), is divided and subdivided by water; and, while densely populated in parts, is so sparsely settled in other parts that houses are sometimes a mile and even more apart. There are also large areas included within the city limits of New York which are either not yet built up or form extensive marshes, the filling and improvement of which is in the distant future.

Again, in London, the alien population is not so large as to cut a serious figure in the statistics of crime, while in New York 80 per centum of all malefactors arraigned in the courts are of foreign birth, and the New York police, moreover, are compelled to deal not only with the predatory criminals of all nations, including our own, but with the feuds of the Sicilian Mafia, the Neapolitan Camorra, the Armenian Hunchakists, the Chinese Tongs and with other internecine quarrels of the scum of the earth.

Nor is there any reason why New York should not have the best police force in the world if her law-respecting and law-abiding citizens, who really form a majority over the lawless element, would make themselves a little familiar with police conditions, and interest themselves sufficiently to bring about the required result. Moreover, this is a civic duty which is one of those so sadly neglected by the American sovereign.

The present Commissioner has no hesitation in saying that he would never have accepted the office had he previously been aware of the conditions surrounding the work of the Police Department; but, after the hard labor of two years with some small but encouraging progress, he believes that the situation can be dealt with effectively if good citizens will bestir themselves, neglect their own personal affairs for a little while and secure the needed legislation (which is, after all, not very extensive), and a comparatively small increase in funds—which increase will very quickly more than pay for itself.

There are four requisites for putting the New York police force upon a properly efficient basis:

1. Long term of office for the Commissioner, with provision that while he may be dismissed by the Governor or Mayor, it shall only be upon publication of the reasons for dismissal.

2. Provision for a civilian branch of the Detective Bureau, at

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an estimated cost of $25,000 for the first year and $100,000 per year for several years thereafter.

3. Increase of the force so that the proportion shall be maintained automatically at one patrolman to 400 inhabitants, as determined by an annual census.

4. New legislation on a few special points, such as strict police regulation of pawnbrokers and junkdealers, and of the sale of offensive weapons, etc.

Taking up these points, now, in detail: The present term of office of the Commissioner is ostensibly five years, although practically four years, except in the improbable event that the same Mayor be continued in power for a second term, and at present either the Governor or Mayor may summarily dismiss the Police Commissioner without stating reasons. Four years is not a long enough term to accomplish lasting results. It is not sufficient time to obtain that familiarity with the details of the work which is necessary, and the short period encourages such dishonesty and rascality as exists in the force to hold on patiently, even if temporarily suppressed by an honest short-term Commissioner. The short term also involves the possibility that politicians, confederates of the bad elements, may bring about removal before the expiration of the term. This state of affairs also leaves the men of the force in doubt as to whether really they would better obey the Commissioner, or whether they can take the chance with impunity of disobeying him and throwing obstacles in his way. This state of affairs very naturally is not conducive to good work on the part of the Police Department, even in the ordinary daily routine.

The term of the Police Commissioner should be at least ten years. That, to my mind, is as long as one man would be physically able to stand the strain—certainly under present conditions of getting work done. It is probably proper that the Police Commissioner should be subject to summary dismissal, but if the dismissing officer is required to give to the public the reasons upon which he dismisses the Police Commissioner, the public will be able to judge as to the honesty and sincerity of the Governor or Mayor, as the case may be. To make the Police Commissioner more permanent in office—that is, removable only after the trial of charges against him—would, in my judgment, be a mistake, because the process is too slow, and would leave a bad

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man in a position to do mischief during trial; the first method suggested being deemed sufficient.

Again, a civilian branch of the Detective Bureau is absolutely essential, because, as at present constituted, all the members of the police force are well known, and can be easily known to criminals of all kinds, as well as to the crooked politicians who are at the bottom of the present lack of efficiency in the Police Department. The members of this civilian branch should be engaged and dismissed entirely at the will of the Police Commissioner, security in place depending upon their work. The funds in support of this branch of work should be at the absolute disposal of the Police Commissioner, subject only to audit by a committee of three citizens, as a check upon possible misuse of the funds by the Commissioner. This committee in New York should probably be the Mayor, the Comptroller and the President of the Civil Service Commission. This arrangement would enable the Commissioner to obtain, wherever it could be found, the best detective ability in the world. Again, such a secret-service force, entirely unknown, would be able to do the work among the polyglot alien community of criminals which it is now almost impossible to get done, not because of lack of energy or ability on the part of the Police Department as at present constituted, but because of the very pretty system by which criminals and crooked politicians have succeeded in getting New York by the throat.

It is a fact also, for which the present system is to blame, that, to tell the honest truth, there is at present no great detective in the employ of New York city. The old rule-of-thumb methods still prevail. The police force itself, even the best men, would not recognize a high-grade, first-class, real "sleuth," if he came down the street headed by a brass band. To provide New York with one or two—possibly six—such real detectives would in results astonish and please her citizens as much as it would paralyze the crooks and crooked politicians. Such high-class detectives are very rare throughout the world, and cannot be made from the material available under the present police system. There are some men available whom I would at present secure for New York city if I were free to do so. This secret-service branch would never be seen nor known by more than two or three officials. Such a civilian branch in the Detective

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Bureau would also be of great assistance in improving, by training and instruction, the honest men we now have in the department.

There are some good men in the Detective Bureau now, as a result of special training, and when our school in the new headquarters building is established we shall turn considerable raw material into a useful product. Taking a policeman out of uniform, putting him into citizen's clothes with a shield on his waistcoat and telling him that he is a detective, will not make him one. Not only are special qualifications necessary, but he has got to be trained. The detection of crime and criminals, since the Bertillon system of measurements and recording of finger prints, with other instruments and materials, have come into use, has reached a point where it may almost be classed as a science. For instance, we are now using a powder—not a new thing, but an innovation in detective work—in the obtaining of impressions of finger prints. Our detectives are instructed to be alert on the scene of a crime for the marks of fingers on door-knobs, window panes, glass and silver ware, paper, furniture, or anything else on which a criminal may have left an impression of his hand. No matter how faint such an impression may be, the powder will bring it out so that a photograph may be taken, and the negative, enlarged fifty diameters, becomes a clue, a particularly valuable one, in cases wherein the perpetrator of the crime is a professional criminal, a record of whose finger prints is already in the possession of the police. In Germany recently a murderer was caught and convicted by means of a thumb-print clue secured in this manner, and our detectives were recently successful in a case in which finger prints were obtained from a piece of stolen silverware.

The camera has become a useful adjunct in detective work. Nowadays when a dead man or woman is found, say, in a tenement house, and there are indications of foul play, the scene is photographed, and the negative made to scale. This does away with the old-fashioned method of measuring a room with a tape-line or pacing off distances; and, if the photograph goes before a jury afterward, there is no doubting the accuracy of its evidence.

While the coroners co-operate heartily with the police, the Detective Bureau would be able to do more effective service, in

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many instances, if there were no such officials. The investigation of crime is the province of the police, and the prosecution of the criminal that of the District Attorney. Our police surgeons might readily be utilized to execute any of the duties now done by the coroner, these surgeons being quite competent to perform autopsies now done by coroners' physicians. This would be a very great improvement in detective work.

In considering the present police conditions in New York, the fact should be kept in mind that, in spite of the enormously greater difficulties with which we are confronted, our quota of patrolmen is less than in cities where the problem is comparatively simple. In Washington, with a population of 278,818, there are 575 patrolmen, the average being one to every 485 residents; in Philadelphia, there are 2,533 patrolmen in a population of 1,293,697, an average of one to every 511; in St. Louis, the average is the same, the population being 575,238 and the number of patrolmen 1,125; in Boston, with a population of 560,892, there are 1,102 patrolmen, an average of one to every 509 residents. In other capitals of the Old World the streets are even better patrolled than in London. In Liverpool, there is one patrolman to every 449 residents; in Dublin, one to every 330; in Berlin, one to every 340, and in Budapest, one to every 320. In St. Petersburg and Lisbon unusual conditions exist, of course, and in the former city there is one patrolman to every 184 residents, and in the latter, one to every 175.

The circumstance is also to be considered that New York differs from any other great city in the abnormal growth of population in the outlying districts where the small dwelling predominates, and it is obvious that a given number of persons in a block of ordinary apartment houses may be protected by a smaller force of police than would be required to safeguard the same number in detached dwellings along a mile or two of streets. The present patrol force of 7,839 men is called upon to cover 3,095 miles of streets in the five boroughs, but more than a thousand of these men are necessarily detailed daily to other than regular patrol duty. Approximately 300 patrolmen are engaged every day in the Detective Bureau, or are at work on murder, burglary, pocket-picking and other cases; 350 are assigned to traffic regulation; 175 to the courts; 82 to municipal departments and offices; 116 to duty in Central Park;

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75 to the Health Department, and 18 to boiler inspection. The average number of men sick daily is 200 and the average number absent with leave is 50, which leaves a total available for patrol of 6,473, of whom one fifth, or 1,295, are on post in the daytime; two fifths, or about 2,590, on post at night, one fifth always in reserve, and one fifth off duty. There are 92 precincts in the city, making an average of 70 patrolmen to each precinct.

The beats traversed by these patrolmen cover farms in process of cultivation within the city limits, as well as great expanses of unoccupied land. As an example, the houses between Jamaica and Flushing are sometimes a mile apart, and on Staten Island (the Borough of Richmond) there are intervals of two miles between dwellings. In one precinct in this latter borough the patrolman goes five miles to the beginning of his post. There is a day post in Richmond that is twenty miles long, and there are night posts ten, twelve and fourteen miles in length. There are day posts in the Bronx fifteen miles long, and night posts seven and eight miles in extent. Of course residents of these outlying districts are just as much entitled to police protection as are those living in the heart of the city, but it is obvious that under existing conditions it is impossible to give it to them.

There is absolute and immediate necessity for the increase of the patrol force so that we have an average of one patrolman to every 400 inhabitants, and that average should be maintained with the increase of the population. On January 1st, 1906, when this municipal administration began, the quota of patrolmen was 7,239. In April of that year an elaborate report, supported by statistics showing the prodigious growth of the city, the very slight increase in the patrol force during the past few years, and the unguarded condition of the city practically in every section, was sent to the Board of Estimate and Apportionment and the Board of Aldermen, with an application for an increase of the number of patrolmen by more than 2,000 men. In the budget for 1907 the increase asked for was scaled down to 2,000 patrolmen, as being the smallest number consistent with the safety of the city. Nevertheless, appropriation was made for only 600 men, who were not added to the force until one year from the time the dangerous conditions existing in New York were pointed out. Last year an addition of 600 more patrolmen was granted in response to an urgent appeal for 1,400.

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The legislation that is immediately essential to the greater efficiency of the Police Department relates to the better control of pawnbrokers, junkdealers and dealers in second-hand goods, and the sale of dangerous weapons. It is the practice of every other large city of the world, in America as well as in Europe, to require pawnbrokers to furnish the police daily with a written report of business transacted, giving the name and address of the person pawning articles, with a general description of personal appearance, a detailed description of the articles pawned, the hour that the transaction occurred, the amount loaned, the number and description of the pawn ticket, and any other information that may be of value in tracing lost property. A law providing for the regulation, along these lines, of pawnbrokers in this city, as well as of junkdealers and dealers in second-hand goods, is an imperative necessity. It is immediately apparent how valuable such a law would be in the tracing of stolen property and the detection of thieves, as well as how deterrent its effect is calculated to be upon thieves, by making the risk greater in disposing of the proceeds of a robbery. How far pawnbrokers are enabled to go, as the law stands to-day, was illustrated last fall. In this instance the police raided a pawnbroker who was suspected of being a "fence," and found the proceeds of no less than six separate burglaries in his shop.

There are many desperate criminals of all nations in New York—scoundrels who would think nothing of taking human life—perhaps more than in any other city in the world. Affrays with pistols and knives are of frequent occurrence, even though generally confined to men of the same nationality. To cope effectively with this element it is essential that legislation should be had requiring dealers in weapons of any character,—pistols daggers, knives with blades more than four inches long, slungshots, "blackjacks," brass knuckles, etc.,—to record at the time of any sale the name, address and description of the buyer, the name and address of the seller, the day and hour of the transaction, the description of the weapon sold and the price paid, and to make a complete return to the Police Department. Such a measure would have a deterrent effect upon a murderously minded man, and would prove of great value in tracing a felon after the commission of a crime. The burden of responsibility in regard to such legislation should be placed upon the sellers of weapons

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and the pawnbrokers themselves, and a penalty should be provided, including revocation of license, for failure to report or for giving false information.

Legislation that probably never will be effected, but that would do more to remove the police from the corrupting influence of the politicians than all other measures combined, would be such as to take the election machinery out of the hands of the police. As matters stand at present the police and the crooked politicians are brought into intimate relations at the primaries and elections under just such conditions as give them the opportunities to co-operate for evil.

An important bureau of the Police Department is that of Repairs and Supplies, through which is purchased everything used in the service, from the pens and ink to the horses and patrol wagons, an expenditure of approximately $800,000 per year being involved. This bureau is at present in charge of the Fourth Deputy Commissioner, who has other important duties to perform as well. There should be a fifth deputy, a trained business man, whose entire attention might be devoted to the Bureau of Repairs and Supplies. The training a policeman receives does not fit him for a purchasing agent, and I know that the bureau is constantly imposed upon. Only a short time ago, for instance, the department advertised a contract for making some cases, the lowest bid being $400. Before the bid was accepted a firm was found to do the work for $175, and there was no question of graft in the matter, either, merely ignorance. The Bureau of Repairs and Supplies offers opportunities for dishonesty, however, and the city would save money by paying a salary to a fifth deputy competent to conduct the office on a business basis.

It is, of course, on the ground of economy that the application of the Police Department for a secret-service fund and an adequate patrol force is refused. The 800 more patrolmen essential to the safety of the city would mean an additional expense of approximately $800,000, and that of a secret service of potentially $100,000 per year, to the $15,000,000 that the department costs New York at present. A parallel instance of economy would be that of a man who should expend $1,500 in building a stable, and leave it without a roof to save an additional expense of $90. Statistics contained in the last report of the Comptroller show that the per capita cost of maintaining the department in 1899

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was $3.33, while, according to the estimated population of the city at the beginning of the present year, the per capita cost is only $3.24. According to the same report, the cost of the maintenance of the public schools during this period has increased 108.07 per centum; that of the Fire Department 68.5 per centum, and that of the Department of Correction 67 per centum. New York is proud of its schools and of its Fire Department. It should have a Police Department of which it may have just reason to be proud.

No civilized community has ever been able to abolish gambling or the social evil; and so long as these vices remain unregulated a certain proportion of policemen will no doubt yield to dishonest opportunities. Nevertheless, the "system" as it once existed is considerably weakened. No policeman of whatever rank can to-day make good a promise to a lawbreaker of immunity from police interference, no matter what price he may pay, nor is there danger that a member of the force will be punished by his immediate superiors for refusing to co-operate in the spoliation of lawbreakers, if he has the courage to appeal to the Commissioner or his deputies. As for political leaders coming to headquarters to secure the transfer of policemen, as punishment or reward—that has been done away with altogether.

Reference has been made to the duties of the citizen in helping the Commissioner to bring about legislation furthering the efficiency of the Police Department. In the last analysis it comes to this: that the police are just as good or just as bad as the citizens make them, and if the better element of citizenship refuses to concern itself about the guardianship of law and order, it has no right to complain when the crooked element does. The Police Committee of Fifty did valuable service a year ago in assisting to secure the legislation by which the Commissioner has been able to begin some practical reforms in the Police Department, as it is now doing with respect to other measures at Albany, but it is the plain duty of every good citizen to familiarize himself with the work that is being done for the better government of his own city, and personally to do all that is possible to help that work along.

THEO. A. BINGHAM,
Police Commissioner.

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THE NEW IRELAND.—III.

BY SYDNEY BROOKS.

THE stage on which the tragi-comedy of Irish life is enacted is an island somewhat smaller than the State of Indiana, somewhat larger than that of South Carolina. It is a country of soft, melancholy, almost depressing beauty, piteously eloquent of its hapless history, weaving a spell of plaintive enchantment in a mist of tears. I know of no land where the consciousness of humanity so colors the aspects of nature, where the thought of the past and all its mournfulness, of the strivings, failures, crimes of the dead and the living, so insistently obtrudes on the contemplation of mountain, lake and moor. On the luscious spreading pasture-lands of Meath and Kildare, where the bullock has made a solitude and called it prosperity; among the vast panoramas of heathery, stony, desolate hills in Kerry, with their gaunt, unconquered look; on the great treeless limestone plain that holds the centre of Ireland; in the heart of such miniature Paradises as Glengariff and Killarney, where all is rich with an exotic luxuriance; amid the islands off the southwest coast, where the Gulf Stream flows and tree-ferns, palms, bamboo and eucalyptus grow in the open air; gazing on some rolling, storm-swept expanse of peat-bog; among the jagged, flint-strewn headlands of Connemara and Donegal, that throw their shadow over the prismatic buffetings of the Atlantic; fishing on one or other of the countless lakes; at the sight of a ruined and abandoned farmhouse where, perhaps, some victim of the famine lay down to die—always and everywhere one feels the brooding presence of the lives that have been lived, of the history made and of the problems they have remorselessly bequeathed. The appeal of Ireland's beauty has in it, to my mind, a recurring undertone of wildness and tragedy.

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To the trim and cultivated aspects of England, where all angles and corners have been smoothed away, the contrast she offers is complete. Her gray-green monotone has little or none of the variegated colorings that make the plump and smiling sister-isle a patch-work quilt. Her very stillnesses are different from those of England; they seem to tell, not of deep and rich placidity, of some happy cæsural pause, but of listlessness, despair, defeat. And the climate deepens the sense of forlornness. It is mild, humid, relaxing. Exposed to the full force of the southerly and westerly winds that blow from the Atlantic for nine months in every year, denuded of trees and almost wholly without any system of national drainage, Ireland is the predestined home of caressing rains, leaden and capricious skies, the sudden squall, and the soft, enfolding mist. Of the extremes of heat and cold she knows nothing; frosts and droughts are equally foreign to her normal experience; the characteristic of her climate is an equable, enervating humidity. It is a climate that impresses the casual traveller as inviting to inertia, as congenial to a spirit of lethargic fatalism, and as encouraging, and indeed excusing, the use of artificial stimulants. Its economic as well as its mental and moral influence on the people is very great. It has given Ireland a soil of extraordinary fertility, the best grazing-lands in the world, and an atmosphere peculiarly adapted for the bleaching of linens. Parts of Kerry, it is believed, are suitable for tea-planting; tobacco is grown in Navan. On the other hand, the excessive moisture is unfavorable to wheat and only a little less so to barley. The principal Irish crop is oats.

On this beautiful, romantic, depressing, rain-soaked, lake-riddled island lives a population of slightly over four million people. Sixty-five years ago they numbered eight millions; in sixty-five years, while the population of England and of Scotland has doubled, that of Ireland has been halved. And the appalling drain of emigration still continues; every year sees from thirty to forty thousand men and women fleeing from the country. Moreover, as one would surmise, it is the young, the vigorous, the fit who go; the unfit who remain. Something over ninety per cent. of the emigrants are over ten and under forty-five years of age, and not ten per cent. of them transplant themselves under the British flag. But emigration on this un-

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paralleled scale is more than a direct loss. The account is not closed when you reckon merely the numbers of those who go, or the economic efficiency withdrawn with them, or even the international consequences of their settlement in a competitive country. You have also to consider the indirect toll they levy on the mental and physical vitality of those who stay; and what that toll amounts to the lunacy inspectors, the health statistics and the poor-law figures show but too plainly. The ratio of the insane per 10,000 of the population in England and Wales is 40.8, in Scotland 45.4, and in Ireland 56.2. Nearly 12,000 people die every year in Ireland from tuberculous disease —a rate per thousand almost double the figure for England and Wales; and one Irishman out of every forty-four is in receipt of rate aid. Moreover, the number of men and women over sixty-five years of age reaches the disastrous proportion of one in every eight of the population. Ireland is becoming a land of the aged and infirm, and of them alone. Her birth-rate is among the lowest in the world, a decimal point, and no more, higher than that of France; the Ireland of early and prolific marriages is altogether a thing of the past.

A few more words have still to be added to round off my present purpose of conveying a rough impression of the general conditions of the people. Ireland is, undoubtedly, a poor country, though the last quarter of a century has seen a slow but steady material progress. The average per capita income of the population has been estimated at $75, and in the barren and desolate West it is probably considerably lower. The average wages of agricultural laborers, of whom there are in Ireland some 150,000, works out at $2.75 a week. In the towns there are 79,000 tenements of one room occupied by over 230,000 people. In the country there are more than 10,000 cabins with only one window. Life in these hovels touches, perhaps, as low a state of civilization as is to be found anywhere in Europe outside of Sicily. Of the hundreds that a traveller comes across, those which I saw in County Mayo may be taken as typical—a cluster of eight or nine cabins, wretchedly thatched, built of unhewn stone badly cemented, standing some fifty yards from the roadway in a scene of the bleakest desolation. The soil all about is hostile, meagre, and studded with gray rock and stone. The nearest village is five miles away. To reach the huts you walk

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up an unmade road that is half a ditch and half resembles a stone staircase after an earthquake, foul and reeking with mire and effluvia. By the side of the cabin doors are the inevitable manure heap and the winter stack of peat. As you pass into the doorway a flutter of fowls rushes out. The darkness is such that, except when silhouetted against the blazing hearth, you cannot at first make out who or what is there. Gradually three or four barefooted children reveal themselves, and an old man sitting motionless by the fire. Opposite the hearth, in a stall on fairly clean straw, is the family cow. The furniture, standing unevenly on the bare and sodden ground, is of the roughest. There is a tiny inner room where the father and mother sleep, the children herding together in the living-room. Two of them are coughing ominously; all have indigestion; their eyes are reddened with the peat smoke; and their teeth are abominable. How, one asks, do people in such conditions live? They rent, or owe rent for, a patch of ground, growing on it oats and potatoes year after year, until the soil is worn out and the crops blighted. Some rough commonage grazing and the right of cutting a certain amount of turf for fuel go with their holding. But it is not upon the farm they rely to make both ends meet. They may earn a little, but not enough, by the sale of a calf or pig or a few chickens; their main sources of income are harvesting in Ulster, Scotland and England, fishing, if they live on the coast, the weaving of homespuns or some other cottage industry, and contributions from their relatives in America. But, above all, they contrive to exist by cutting down their standard of living to the lowest possible point. Milk, potatoes, tea, oatmeal for porridge, some American flour and, as an occasional luxury, a slice or two of the worst American bacon form, with a little whiskey, their staple diet. There are 200,000 holdings in Ireland where the conditions I have roughly glanced at obtain. They are not, of course, to be taken as typical of the whole country; and one must always bear in mind, as a shrewd German observer has put it, that "the power of existing under miserable conditions of life, of eking out an existence and of propagating his species on soil where a Central European goat would die of hunger, has doubtless preserved the Irish people during the long period of scorn and oppression," and has become, one may add, so much an instinct that probably no Irish-

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man is really as poor as his appearance, surroundings and mode of life would lead one to infer.

The area of Ireland amounts to a trifle over 20,000,000 acres. Of these over 14,500,000 acres, representing nearly seven-eighths of the total arable land, are meadow or permanent pasture; some 3,250,000 acres are bog, barren mountain, water, woods and plantations; 1,250,000 acres are under corn crops, with oats overwhelmingly in the lead; another million acres are devoted to green crops, chiefly potatoes (590,973 acres) and turnips (275,129 acres), with mangles, flax and cabbages far behind; and slightly under 11,500 acres are planted with fruit. These figures tell their own tale. Taken in conjunction with the fact that, in the last forty-five years, the number of milch cows has positively decreased while that of cattle under a year old has more than doubled, they prove that Ireland is a country not of farmers, but of stock-raisers. The Irish, indeed, have never been an agricultural people, nor are they to-day. They are cattle-breeders and cattle-speculators. Tillage, which nowhere in Ireland is scientifically pursued, has become over large areas virtually a lost art. The national occupation of the people, the one to which their instincts overwhelmingly incline, is the rearing, selling, grazing and export of cattle. It is at once their business and their form of speculation. What the bucket-shop is in America and football and horse-racing in England, that is cattle in Ireland. The dowries of the peasant girls in the West are frequently reckoned in heads of stock; servants invest their savings in cattle, much as in Norway they invest them in boats. Ireland, indeed, from the agricultural point of view, is little more than a ranch for the rearing of cattle, more than half of which are "finished" in England for the English market; and even her success in that line of industry depends very largely on the exclusion of Canadian and Argentine stock from the British ports. On the list of Irish exports of farm produce, of raw materials and of manufactured goods, live stock comes easily first; and among live stock it is the store cattle—cattle, that is, bought up young and unfinished by English dealers, taken over to England, and there grazed till they are ready for market—which, both in numbers and value, form the leading item. In round figures the exports of Irish live stock amount to $65,000,000 a year. Of this sum $25,000,000 is represented by store

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cattle, about $17,000,000 by fat cattle, $6,000,000 by sheep and lambs, $6,000,000 by pigs, and $7,000,000 by horses. And this immense and fundamentally unwholesome predominance of pasture over tillage, of cattle-rearing over farming, has some economic results of the most disastrous significance. It means, roughly speaking, that throughout Ireland the best land is given up to bullocks and the worst to men; that the richest soil is unpeopled and uncultivated, while from the poorest a population without capital or technical knowledge, or any sound agricultural instinct, strives with unremitting inefficiency to wring the bare means of livelihood; and it helps to explain why the Irish, when they emigrate, turn their backs on the country and settle overwhelmingly in the towns.

In Ireland itself there are very few towns of any consequence. Belfast, with a population of 350,000, Dublin with 370,000, Cork with 100,000, Limerick with 50,000, Londonderry with 40,000 and Waterford with 26,000 head the list; and there are four or five others with just over 10,000 inhabitants apiece. Altogether about a third of the total population of the country lives in the towns, which in Ireland as elsewhere, though by no means so rapidly, tend to grow at the expense of the rural districts. Except in the hard-headed and industrial North, they do not impress the visitor with the sense of energy and prosperity. Dublin is in many ways a pleasing, even a captivating, city. It has that air and presence which no city which has once been a capital ever quite shakes off. As the seat of administration, the headquarters of justice, the centre of education, of art and letters, the old metropolis still attracts to itself the brightest intellects of the country and propagates a social atmosphere uniquely its own. But, even so, the life of the city is far from being the brilliant affair it was, and its slow economic decline has been even more pronounced. The time seems well in sight when a pint bottle of stout, bearing the name of Guinness, will be the sole as well as the foremost emblem of Dublin manufactures. Some air of a battle lost seems to brood over the city, and to touch its silent quays and rivers, its college and park, and its appalling slums with a sombre tone of decay. Waterford, though it possesses four good-sized bacon-curing establishments, is mainly occupied with the export of cattle and agricultural produce. Cork, an island and relaxing city, fringed with high-perched

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suburbs, boasting four miles of quays, is also chiefly concerned in the export of butter, cheese and eggs to Bristol and the Welsh ports. But she has indigenous industries of her own—breweries and distilleries, ship-yards, tanneries, flour-mills, chemical-manure works and textile factories; and, more than any other city in the South, she has labored for the promotion of native industries. Limerick is the home of three of the largest bacon-curing firms in the country, and does, besides, a considerable trade in milling, butter-making and lace; but its prosperity is nothing like what it should be, and its noble position on the estuary of the Shannon, its nearness to the United States, and its equipment of quays, wharfage, graving and floating docks are advantages that have yet to be turned to the best account. It is not until one reaches Londonderry and Belfast that one feels oneself in contact with the atmosphere and problems of a modern industrial city. Londonderry, with its large coasting trade, its shirt-making industry, its fisheries, ship-yards, iron and brass foundries, flour-mills, breweries and distilleries, gives out an instant impression of confidence, energy and success; and the industrial record of Belfast, the Chicago of Ireland, constitutes one of the greatest and most inspiring achievements in the history of commerce. These two towns, in tone and spirit, in their social structure, their instinctive ways of looking at things, and their economic formation, stand in a category of their own and have little or no affinity with Limerick, Cork, Waterford or Dublin; while the gap that separates them from the smaller urban centres, that except in Ireland would not for a moment aspire to the name of towns, is the gap of the entire industrial revolution. I know nothing more disheartening than the life and appearance of the average Irish townlet of three or five thousand people. A surplusage of churches and drinking dens; no industries, no sports; littered, unkempt streets lined with evil-smelling cottages; no diversions except the assizes and an occasional fair, and the rare visit of a tenth-rate theatrical company; a few Protestant families of position forming a tiny, exclusive, and thoroughly bored clique of their own, and around them the Catholic masses whetting their minds on the eternal game of faction—such are the common features of Irish existence in the minor urban centres.

The point I wish to develop and emphasize is that Ireland

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suffers from a lopsided national growth. Her industrial have failed to keep pace with her agricultural interests, and the interdependence of the two in the formation of a healthy national life is only just beginning to be recognized. There are many causes, natural and historical, to account for this. Ireland is poor in minerals, in coal especially. Her rivers, unlike the rivers of Italy, do not readily lend themselves to being harnessed. Her internal transit system is neither cheap, rapid, nor co-ordinated; and she lies within a few hours' steaming of one of the most highly industrialized nations in the world. Moreover, in the dark days of Protection, England deliberately strangled her nascent manufactures. Woollens, glass, cotton, sail-cloth, sugar-refining, shipping, all went—crushed out by legislation. Ireland has never recovered from that succession of staggering blows. They killed not merely her industries, but something far more valuable; they killed, or at least fatally impaired, the industrial instinct, and the character, the aptitudes and the kind of self-discipline and self-confidence that are essential to industrial progress. Over two-thirds of Ireland it is not too much to say that the problem of creating new industries or reviving old ones is a moral, even more than it is a technical or an economic, problem. Efforts that are little less than heroic are being put forth in an endeavor to grapple with it; and these, or some of them, I shall hope to pass in review later on. Meanwhile it is of the utmost importance to grasp the determinating facts of Ireland's economic condition. They are, briefly, that her greatest industry, agriculture, has taken the speculative form of stock-raising; so that, as has been intimated, the best land is thus monopolized by cattle and the inferior land alone left over for men; that except in the North, and on a meagre and more or less tentative scale in a few scattered ports, manufactures scarcely exist; that for those defeated in the battle for an agricultural livelihood there are left, in consequence, hardly any openings in the towns; and that the economic movement, which in happier and better-balanced countries takes the form of migration from the rural districts to the urban centres, thus assumes in Ireland the disastrous shape of emigration. Two vital problems emerge from these conditions. One is the problem of devising a system of farming that will keep as many men as possible on the soil in a position of comfort and of economic independence.

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The other is the correlated problem of checking emigration by the encouragement of minor industries.

There is nothing more vital to the well-being of a nation than its educational system. Ireland has no educational system; it has merely an educational chaos. The defects of the primary schools may be seen on the very surface of the statistics. With about the same population as Scotland, Ireland has about twice as many schools and over 3,500 more head teachers. The inference that she is therefore twice as well educated is not, however, a sound one. The Irish percentage of illiteracy is twelve times as high as the Scottish figure. The explanation of these anomalies is very simple. The fierce and historic conflict of sects in Ireland has stimulated each denomination to provide its own schools. Thus, in a village just capable of supporting one good school you will find two, three and sometimes four. The Church of England will have one, the Presbyterians another, and the Catholics will require two—one for the boys and one for the girls. In this way a total of nearly nine thousand schools is easily reached. Over five thousand of them are attended by pupils of one sect only, and in the remainder one faith or the other is usually in a great majority, a "conscience clause" protecting the religious susceptibilities of the minority. The results are that the Irish primary schools, being far in excess of the requirements of the population, are among the worst built and the worst equipped; their management is wholly in the hands of the clergy; their teachers are miserably paid; the children play truant two days out of every five; and each successive generation is insensibly familiarized with the idea that sectarian exclusiveness is one of the natural conditions of civilized life. Redundant schools, starved and ill-taught teachers, clericalism in unchallenged control, an almost total lack of local interest, a curriculum wholly divorced from the economic needs and realities of the country, and, to crown all, a National Board of educational amateurs, nominated by Dublin Castle, insensible to Irish ideas and representations, deliberating in secret and decreeing without either consultation or explanation—such are the outstanding features of the Irish "system" of elementary education. Nor are the secondary schools in much better plight. There are in Ireland very few of those noble endowments which are the glory of England and America. The connection between

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the primary and the intermediate schools is ludicrously imperfect, the latter being managed by an independent Board of their own, whose chief contribution to Irish education is a costly extension of the pernicious system of payment by results. With technical instruction only a beginning has been made; and all that I need at present say of the state of higher education is that there is only one University with any pretensions to be judged by the standards of modern scholarship, and that that one is a rallying-point for Protestantism and is, therefore, shunned by the Catholics, who form three-quarters of the population.

I am reminded by what I have just written that the fact which dwarfs all other facts about Ireland is that she is Catholic. She is far more Catholic than is implied in the bare statement that three-fourths of her people belong to the ancient communion. She is Catholic with an intensity unequalled—unapproached, indeed—by any other English-speaking people and unsurpassed by any people anywhere. An inquirer into Irish affairs will find in this phenomenon the most delicate and baffling of all the problems that beset him. He observes at once that in Ireland the priesthood has attained to a predominance in the secular sphere of every-day life such as is scarcely rivalled even in Spain or lower Quebec. He will endeavor, therefore, to discover how this power is used and to what extent the priests, by their training and their ideals, are fitted to wield it. He will seek to assess the influence of Catholicism upon the national character, and even to determine what type of Catholicism it is that flourishes in Ireland—whether it is the American type or the French or more nearly approaches that which obtains in Mexico. Recognizing that among a profoundly religious people no power can be greater than that of religion, he will inevitably ask from the Church a full account of her stewardship. It will be his business to ascertain, if possible, in what way she fulfils her mission of instructing and elevating the people; what part, if any, she plays in their political affairs; how far her teachings or her policy equip them with the character that is essential to material success; what effect the establishment she maintains produces upon the economic vitality of the masses, and the degree in which she encourages temperance, clear-thinking, virility, joyousness. These are questions that I propose to examine in some detail later on.

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Meanwhile it will be more convenient to round off this superficial picture of Ireland's condition by noting some of the more obvious results of her connection with Great Britain. One of these results is that Ireland, though a poor country, is obliged to maintain one of the most expensive governments in the world. She is administered by an amazing medley of overmanned, overlapping Boards, with their headquarters in Dublin Castle. It is a system that has most of the vices of a bureaucracy and very little even of its mechanical efficiency. A Russian bureaucracy in Finland could not be more utterly divorced from the sympathies and confidence of the people it rules. The stronghold of a small minority, of a single class, almost of a single creed, overrun with placemen impenetrable to Irish ideas and Irish needs, uncontrolled by Parliament in London or by any representative body in Ireland, and presided over by a Viceroy who maintains that most demoralizing and contemptible of all social institutions, a sham Court,—I scarcely know what merit it possesses or what faults it lacks. With a slightly smaller population than Scotland, Ireland is saddled with nearly three times as many officials, a police force twice as large and costing $5,000,000 a year more for its upkeep, and a judiciary three times as expensive in proportion to population as the judiciary of England and Wales. An example is thus set of jobbery and extravagance that permeates the whole conduct of government in Ireland. Another result of the legislative union with Great Britain is that Ireland is grievously overtaxed. It is not that taxes are imposed upon her which are remitted in England, Scotland or Wales. The exact contrary is the case, certain taxes, mainly of an insignificant character, which are collected from the other parts of the United Kingdom, being remitted in favor of Ireland. Irish overtaxation is due to the fact that the capacity of the people to bear taxation is below that of the English, the Welsh or the Scotch, and that identical imposts fall upon her shoulders in consequence with a disproportionate weight. She contributes about one-eleventh of the British revenue, whereas her taxable capacity is not estimated to exceed one-twentieth; and the burden falls all the more heavily on her poor, inasmuch as over seventy per cent. of the amount extracted from her is derived from indirect taxes.

We have, then, in Ireland a poor and dwindling people, mainly

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Catholic, with a low standard of living that is emphasized and perpetuated by their absorption in stock-raising, their ignorance of agriculture, and the backwardness of their industrial development. They are a keen-witted people, but wretchedly educated. They are governed by a nation that is and must always be temperamentally incapable of understanding them—a nation that has made in Ireland its one grand administrative failure. The English are Protestant, stupid and successful; the Irish are Catholic, imaginative, intelligent,—and failures. Against this ill-assorted and unproductive union the Irish have never ceased to rebel. It is not that they suffer from actual oppression of the kind that the Germans inflict upon the Poles or the Russians upon the Finns. The exceptional laws, safeguards and precautions that are applied to Ireland and are not applied to England are few in number, and on the whole of little account. The Irish grievances against England are preponderantly sentimental and not material. Administrative extravagance and overtaxation, and the perpetual sacrifice of Irish interests to the exigencies of English parties, are evils that cut less deeply into the popular consciousness than the lack of sympathy between rulers and ruled. The British spirit is repugnant to five-sixths of the Irish people, and the Irish spirit incomprehensible to almost all Englishmen; and the gulf that separates them never seems so impassable as when England is most bent upon doing Ireland justice. Seven centuries of turbulent history have, unquestionably, weakened the moral fibre, impaired the virility, and encouraged every instinct of dissimulation among the Irishry; but they have not robbed the Irishry of an abiding consciousness of nationality or of the conviction that they, and not their English rulers, are the rightful possessors of the soil of Ireland. The fight for the land and the fight for Home Rule still mark the goal of Irish endeavors.

SYDNEY BROOKS.

(To be Continued.)

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THE ETHER OF SPACE.*

BY SIR OLIVER LODGE.

THIRTY years ago Clerk Maxwell gave a remarkable lecture on "Action at a Distance." Like most other natural philosophers, he held that action at a distance across empty space is impossible; in other words, that matter cannot act where it is not, but only where it is. The question "where is it?" is a further question that may demand attention and require more than a superficial answer. For it can be argued on the hydrodynamic or vortex theory of matter, as well as on the electrical theory, that every atom of matter has a universal, though nearly infinitesimal, prevalence, and extends everywhere; since there is no definite sharp boundary or limiting periphery to the region disturbed by its existence. The lines of force of an isolated electric charge extend throughout illimitable space. And though a charge of opposite sign will curve and concentrate them, yet it is possible to deal with both charges, by the method of superposition, as if they each existed separately without the other. In that case, therefore, however far they reach, such nuclei clearly exert no "action at a distance" in the technical sense.

Some philosophers have reason to suppose that mind can act directly on mind without intervening mechanism, and sometimes that has been spoken of as genuine action at a distance; but, in the first place, no proper conception or physical model can be made of such a process, nor is it clear that space and distance have any particular meaning in the region of psychology. The links between mind and mind may be something quite other than physical proximity, and in denying action at a distance across empty space I am not denying telepathy or other activities of a

* A Friday evening discourse at the Royal Institution of Great Britain on the 21st of February, 1908.

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non-physical kind; for although brain disturbance is certainly physical, and is an essential concomitant of mental action, whether of the sending or receiving variety, yet we know from the case of heat that a material movement can be excited in one place at the expense of corresponding movement in another, without any similar kind of transmission or material connection between the two places: the thing that travels across vacuum is not heat.

In all cases where physical motion is involved, however, I would have a medium sought for; it may not be matter, but it must be something; there must be a connecting link of some kind, or the transference cannot occur. There can be no attraction across really empty space. And even when a material link exists, so that the connection appears obvious, the explanation is not complete; for when the mechanism of attraction is understood, it will be found that a body really only moves because it is pushed by something from behind. The essential force in nature is the *vis a tergo*. So when we have found the "traces" or discovered the connecting thread, we still run up against the word "cohesion," and ought to be exercised in our minds as to its ultimate meaning. Why the particles of a rod should follow, when one end is pulled, is a matter requiring explanation; and the only explanation that can be given involves, in some form or other, a continuous medium connecting the discrete and separated particles or atoms of matter.

When a steel spring is bent or distorted, what is it that is really strained? Not the atoms—the atoms are only displaced; it is the connecting links that are strained—the connecting medium—the ether. Distortion of a spring is really distortion of the ether. All strain exists in the ether. Matter can only be moved. Contact does not exist between the atoms of matter as we know them; it is doubtful if a piece of matter ever touches another piece, any more than a comet touches the sun when it appears to rebound from it; but the atoms are connected, as the planets, the comets and the sun are connected, by a continuous *plenum* without break or discontinuity of any kind. Matter acts on matter solely through the ether. But whether matter is a thing utterly distinct and separate from the ether, or whether it is a specifically modified portion of it—modified in such a way as to be susceptible of locomotion, and yet continuous with all the rest of the ether,—which can be said to extend everywhere, far beyond the

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bounds of the modified and tangible portion called matter—are questions demanding, and I may say in process of receiving, answers.

Every such answer involves some view of the universal, and possibly infinite, uniform omnipresent connecting medium, the ether of space.

Let us now recall the chief lines of evidence on which the existence of such a medium is believed in, and our knowledge of it is based. First of all, Newton recognized the need of a medium for explaining gravitation. In his "Optical Queries," he shows that if the pressure of this medium is less in the neighborhood of material bodies than at great distances from them, those bodies will be driven towards each other; and that if the diminution of pressure is inversely as the distance from the dense body, the law will be that of gravitation.

All that is required, therefore, to explain gravity is a diminution of pressure, or increase of tension, caused by the formation of a matter unit—that is to say, of an electron or corpuscle; and although we do not yet know what an electron is—whether it be a strain centre, or what kind of singularity it is in the ether—there is no difficulty in supposing that a slight, almost infinitesimal, strain or attempted rarefaction should have been produced in the ether whenever an electron came into being; to be relaxed again only on its resolution and destruction. Strictly speaking, it is not a real *strain,* but only a "stress" since there can be no actual *yield,* but only a pull or tension, extending in all directions towards infinity.

The tension required per unit of matter is almost ludicrously small, and yet in the aggregate, near such a body as a planet, it becomes enormous.

The force with which the moon is held in its orbit would be great enough to tear asunder a steel rod four hundred miles thick, with a tenacity of 30 tons per square inch; so that if the moon and earth were connected by steel instead of by gravity, a forest of pillars would be necessary to whirl the system once a month round their common centre of gravity. Such a force necessarily implies enormous tension or pressure in the medium. Maxwell calculates that the gravitational stress near the earth, which we must suppose to exist in the invisible medium, is 3,000

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times greater than what the strongest steel could stand; and near the sun it should be 2,500 times as great as that.

The question has arisen in my mind whether, if all the visible or sensible universe,—estimated by Lord Kelvin as equivalent to about a thousand million suns,—were all concentrated in one body of specifiable density,* the stress would not be so great as to produce a tendency towards ethereal disruption; which would result in a disintegrating explosion, and a scattering of the particles once more as an enormous nebula and other fragments into the depths of space. For the tension would be a maximum in the interior of such a mass; and, if it rose to the value of 10^{33} dynes per square centimetre, something would have to happen. I do not suppose that this can be the reason, but one would think there must be *some* reason, for the scattered condition of gravitative matter.

Too little is known, however, about the mechanism of gravitation to enable us to adduce it as the strongest argument in support of the existence of an ether. The oldest valid and conclusive requisition of an ethereal medium depends on the wave theory of light, one of the founders of which was Dr. Thomas Young at the beginning of last century.

No ordinary matter is capable of transmitting the undulations or tremors that we call light. The speed at which they go, the kind of undulation, and the facility with which they go through vacuum, forbid this.

So clearly and universally has it been perceived that waves must be waves of something—something distinct from ordinary matter—that Lord Salisbury, in his presidential address to the British Association at Oxford, criticised the ether as little more than a nominative case to the verb to undulate. It is truly *that*, though it is also truly more than that; but to illustrate that luminiferous aspect of it, I will quote a paragraph from the lecture of Clerk Maxwell's to which I have already referred:

"The vast interplanetary and interstellar regions will no longer be regarded as waste places in the universe, which the Creator has not seen fit to fill with the symbols of the manifold order of His kingdom. We shall find them to be already full of this wonderful medium; so full that no human power can remove it from the smallest portion of space, or produce the slightest flaw in its infinite continuity. It

* On doing the arithmetic, however, I find the necessary concentration absurdly great, showing that such a mass is quite insufficient.

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extends unbroken from star to star; and when a molecule of hydrogen vibrates in the dog-star, the medium receives the impulses of these vibrations, and after carrying them in its immense bosom for several years, delivers them, in due course, regular order, and full tale, into the spectroscope of Mr. Huggins, at Tulse Hill."

(It is pleasant to remember that those veteran investigators, Sir William and Lady Huggins, are still at work.)

This will suffice to emphasize the fact that the eye is truly an ethereal sense-organ—the only one which we possess, the only mode by which the ether is enabled to appeal to us—and that the detection of tremors in this medium—the perception of the direction in which they go, and some inference as to the quality of the object which has emitted them—cover all that we mean by "sight" and "seeing."

I pass then to another function, the electric and magnetic phenomena displayed by the ether; and on this I will only permit myself a very short quotation from the writings of Faraday, whose whole life may be said to have been directed towards a better understanding of these ethereous phenomena. He is, indeed, the discoverer of the electric and magnetic properties of the ether of space.

Faraday conjectured that the same medium which is concerned in the propagation of light might also be the agent in electromagnetic phenomena. He says:

"For my own part, considering the relation of a vacuum to the magnetic force, and the general character of magnetic phenomena external to the magnet, I am much more inclined to the notion that in the transmission of the force there is such an action, external to the magnet, than that the effects are merely attraction and repulsion at a distance. Such an action may be a function of the æther; for it is not unlikely that, if there be an æther, it should have other uses than simply the conveyance of radiation."

This conjecture has been amply strengthened by subsequent investigations.

One more function is now being discovered; the ether is being found to constitute matter—an immensely interesting topic, on which there are many active workers at the present time. I will make a brief quotation from Professor J. J. Thomson, where he summarizes his own anticipation of the conclusion which in one form or another we all see looming before us, though it has not

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yet been completely attained, and would not by all be similarly expressed:

"The *whole* mass of any body is just the mass of ether surrounding the body which is carried along by the Faraday tubes associated with the atoms of the body. In fact, all mass is mass of the ether; all momentum, momentum of the ether; and all kinetic energy, kinetic energy of the ether. This view, it should be said, requires the density of the ether to be immensely greater than that of any known substance."

Yes, far denser—so dense that matter by comparison is like gossamer, or a filmy imperceptible mist, or a Milky Way. Not unreal or unimportant—a cobweb is not unreal, nor to certain creatures is it unimportant, but it cannot be said to be massive or dense; and matter, even platinum, is not dense when compared with the ether.

Not till last year, however, did I realize what the density of the ether must really be,* compared with that modification of it which appeals to our senses as matter, and which, for that reason, engrosses our attention. I will return to this part of the subject directly.

Is there any other function possessed by the ether, which, though not yet discovered, may lie within the bounds of possibility for future discovery? I believe there is, but it is too speculative to refer to, beyond saying that it has been urged as probable by the authors of "The Unseen Universe," and has been tentatively referred to by Clerk Maxwell thus:

"Whether this vast homogeneous expanse of isotropic matter is fitted not only to be a medium of physical interaction between distant bodies, and to fulfil other physical functions of which, perhaps, we have as yet no conception, but also . . . to constitute the material organism of beings exercising functions of life and mind as high or higher than ours are at present—is a question far transcending the limits of physical speculation."

And there for the present I leave that aspect of the subject.

I shall now attempt to illustrate some relations between ether and matter.

The question is often asked: is ether material? That is largely a question of words and convenience. Undoubtedly the ether belongs to the material or physical universe; but it is not ordinary matter. I should prefer to say it is not "matter" at all.

* See the "Philosophical Magazine" for April, 1907.

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It may be the substance or substratum or material of which matter is composed, but it would be confusing and inconvenient not to be able to discriminate between matter on the one hand, and ether on the other. If you tie a knot on a bit of string, the knot is composed of string, but the string is not composed of knots. If you have a smoke or vortex-ring in the air, the vortex-ring is made of air, but the atmosphere is not a vortex-ring; and it would be only confusing to say that it was.

The essential distinction between matter and ether is that matter *moves,* in the sense that it has the property of locomotion and can effect impact and bombardment; while ether is *strained,* and has the property of exerting stress and recoil. All potential energy exists in the ether. It may vibrate, and it may rotate, but as regards locomotion it is stationary—the most stationary body we know—absolutely stationary, so to speak; our standard of rest.

All that we ourselves can effect, in the material universe, is to alter the motion and configuration of masses of matter; we can move matter, by our muscles, and that is all we can do directly: everything else is indirect. This is worth thinking over by those who have not already realized the fact.

But now comes the question, how is it possible for matter to be composed of ether? How is it possible for a solid to be made out of fluid? A solid possesses the properties of rigidity, impenetrability, elasticity, and such like; how can these be imitated by a perfect fluid such as the ether must be? The answer is, they can be imitated by a fluid in motion;—a statement which we make with confidence as the result of a great part of Lord Kelvin's work.

It may be illustrated by a few experiments.

A wheel of spokes, transparent or permeable when stationary, becomes opaque when revolving, so that a ball thrown against it does not go through, but rebounds. The motion only affects permeability to matter; transparency to light is unaffected.

A silk cord hanging from a pulley becomes rigid and viscous when put into rapid motion; and pulses or waves which may be generated on the cord travel along it with a speed equal to its own velocity, whatever that velocity may be, so that they appear very nearly to stand still. This is a case of kinetic rigidity; and the fact that the wave transmission velocity is equal to the rotatory

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speed of the material, is typical and important, for in all cases of kinetic elasticity these two velocities are of the same order of magnitude.

A flexible chain, set spinning, can stand up on end while the motion continues.

A jet of water at sufficient speed can be struck with a hammer, and resists being cut with a sword.

A spinning disk of paper becomes elastic like flexible metal, and can act like a circular saw. Sir William White tells me that in naval construction steel plates are cut by a rapidly revolving disk of soft iron.

A vortex-ring, ejected from an elliptical orifice, oscillates about the stable circular form, as an india-rubber ring would do; thus furnishing a beautiful example of kinetic elasticity, and showing us clearly a fluid displaying some of the properties of a solid.

A still further example is Lord Kelvin's model of a spring balance, made of nothing but rigid bodies in spinning motion. See his "Popular Lectures and Addresses," vol. 1, p. 239, being his "Address to Section A of the British Association" in 1884 at Montreal.

If the ether can be set spinning, therefore, we may have some hope of making it imitate the properties of matter, or even of constructing matter by its aid. But how are we to spin the ether? Matter alone seems to have no grip of it. I have spun steel disks, a yard in diameter, 4,000 times a minute, have sent light round and round between them, and tested carefully for the slightest effect on the ether. Not the slightest effect was perceptible. We cannot spin ether mechanically.

But we can vibrate it electrically; and every source of radiation does that. An electrified body, in sufficiently rapid vibration, is the only source of ether-waves that we know; and if an electric charge is suddenly stopped, it generates the pulses known as X-rays, as the result of the collision. Not speed, but sudden change of speed, is the necessary condition for generating-waves in the ether by electricity.

We can also, it is believed, infer some kind of rotary motion in the ether; though we have no such obvious means of detecting the spin as is furnished by vision for detecting some kinds of vibration. It is supposed to exist whenever we put a charge into the neighborhood of a magnetic pole. Round the line joining

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the two, the ether is spinning like a top. I do not say it is spinning fast: that is a question of its density; it is, in fact, spinning with excessive slowness, but it is spinning with a definite moment of momentum. J. J. Thomson's theory makes its moment of momentum exactly equal to $e\,m$, the product of charge and pole; the charge being measured electrostatically and the pole magnetically.

How can this be shown experimentally? Suppose we had a spinning top enclosed in a case, so that the spin was unrecognizable by ordinary means, it could be detected by its gyrostatic behavior to force. If allowed to "precess" it will respond by moving perpendicularly to a deflecting force. So it is with the charge and the magnetic pole. Try to move either suddenly, and it immediately sets off at right angles to the force. A moving charge is a current, and the pole and the current try to revolve round one another—a true gyrostatic action due to the otherwise unrecognizable ethereal spin. The fact of such magnetic rotation was discovered by Faraday.

I know that it is usually worked out in another way, in terms of lines of force and the rest of the circuit; but I am thinking of a current as a stream of projected charges; and no one way of regarding such a matter is likely to exhaust the truth, or to exclude other modes which are equally valid. Anyhow, in whatever way it is regarded, it is an example of the three rectangular vectors.

The three vectors at right angles to each other, which may be labelled Current, Magnetism and Motion, respectively, or more generally E., H. and V., represent the quite fundamental relation between ether and matter, and constitute the link between Electricity, Magnetism and Mechanics. Where any two of these are present, the third is a necessary consequence. This principle is the basis of all dynamos, of electric motors, of light, of telegraphy, and of most other things. Indeed, it is a question whether it does not underlie everything that we know in the whole of the physical sciences; and whether it is not the basis of our conception of the three dimensions of space.

Lastly, we have the fundamental property of matter called inertia, which, if I had time, I would show could be explained electromagnetically, provided the ethereal density is granted as of the order of 10^{12} grammes per cubic centimetre. The elas-

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ticity of the ether would then have to be of the order of 10^{33} c.g.s.; and if this is due to intrinsic turbulence, the speed of the whirling or rotational elasticity must be of the same order as the velocity of light. This follows hydrodynamically; in the same sort of way as the speed at which a pulse travelling on a flexible running endless cord, whose tension is entirely due to the centrifugal force of the motion, is precisely equal to the velocity of the cord itself. And so, on our present view, the intrinsic energy of constitution of the ether is incredibly and portentously great; every cubic millimetre of space possessing what, if it were matter, would be a mass of a thousand tons, and an energy equivalent to the output of a million horse-power station for forty million years.

The universe we are living in is an extraordinary one; and our investigation of it has only just begun. We know that matter has a psychical significance, since it can constitute *brain,* which links together the physical and the psychical worlds. If any one thinks that the ether, with all its massiveness and energy, has probably no psychical significance, I find myself unable to agree with him.

SUPPLEMENTARY REMARKS CONCERNING DENSITY OF ETHER.

I observe that it is surmised by at least one thoughtful and friendly critic that in speaking of the immense density or massiveness of ether, and the absurdly small density or specific gravity of gross matter by comparison, I intended to signify that matter is a *rarefaction* of the ether. That, however, was not my intention. The view I advocate is that the ether is a perfect *continuum,* an absolute *plenum,* and that, therefore, no local rarefaction is possible. The ether inside matter is just as dense as the ether outside, and no denser. A material unit—say an electron—is only a peculiarity or singularity of some kind in the ether itself, which is of perfectly uniform density everywhere. What we sense as matter is an aggregate or grouping of an enormous number of such units.

How, then, can we say that matter is millions of times rarer or less substantial than the ether of which it is essentially composed? Those who feel any difficulty here should bethink themselves of what they mean by the average or aggregate density of

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any discontinuous system, such as a powder, or a gas, or a precipitate, or a snowstorm, or a cloud, or a Milky Way.

Lord Kelvin has estimated and, indeed, proved that the aggregate density of the whole material cosmos within recognizable gravitational reach of us must be infinitesimal; in other words, that the amount of matter in space, however prodigious it may be, must be infinitely less than the volume of space it occupies. And even of the visible cosmos—that is to say, of the material clustering within reach of our aided organs of vision—the density, though certainly not infinitesimal, is exceedingly small.

It may be clearer if I give some actual numbers. Lord Kelvin estimates the amount of matter within reach of the largest telescopes—say within a parallax of $\frac{1}{1000}$ second of arc, corresponding to a radius of 3×10^{16} kilometres—as equivalent to a thousand million of our suns; that is to say, to a total mass of 1.5×10^{36} tons distributed through a volume of 1.12×10^{59} cubic metres. So the density of the visible cosmos comes out of the order of 10^{-23} of that of water.

The masses themselves seem likely to be in the main distinctly of greater density than water; but grouped, or in the aggregate, they are excessively "rare"—far rarer than the residual gas in the highest-known vacuum. The whole visible cosmos is, in fact, as much rarer than what we call a high vacuum (say, the hundred-millionth of an atmosphere) as that vacuum is rarer than lead. If it be urged that it is unfair to compare an obviously discrete assemblage like the stars, with an apparently continuous substance like air or lead, the answer is that it is entirely and accurately fair; since air, and every other known form of matter, is essentially an aggregate of particles, and since it is always their average density that we mean. We do not even know for certain their individual atomic density.

The phrase, "specific gravity or density of a powder" is ambiguous. It may mean the specific gravity of the dry powder as it lies, like snow; or it may mean the specific gravity of the particles of which it is composed, like ice.

So also with regard to the density of matter, we might mean the density of the fundamental material of which its units are made—which would be ether; or we might, and in practice do, mean the density of the aggregate lump which we can see and handle; that is to say, of water, or iron, or lead, as the case may be.

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In saying that the density of matter is small, I mean, of course, in this last, the usual, sense. In saying that the density of ether is great, I mean that the actual stuff of which these highly porous aggregates are composed is of immense, of well-nigh incredible density. It is only another way of saying that the ultimate units of matter are few and far between—*i.e.*, that they are excessively small as compared with the distances between them; just as the planets of the solar system, or worlds in the sky, are few and far between—the intervening distances being enormous as compared with the portions of space actually occupied by lumps of matter.

Here it may be noted that it is possible to argue that the density of a *continuum* is necessarily greater than the density of any disconnected aggregate: certainly of any assemblage whose particles are actually composed of the material of the *continuum*. Because the former is "all there," everywhere, without break or intermittance of any kind; while the latter has gaps in it—it is here, and there, but not everywhere.

Indeed, this very argument was used long ago by that notable genius, Robert Hooke; and I quote a passage which Professor Poynting has discovered in his collected posthumous works, and kindly copied out for me:

"As for *matter*, that I conceive in its essence to be immutable, and its essence being expatiation determinate, it cannot be altered in its quantity, either by condensation or rarefaction; that is, there cannot be more or less of that power or reality, whatever it be, within the same expatiation or content; but every equal expatiation contains, is filled, or is an equal quantity of *materia;* and the densest or heaviest, or most powerful body in the world contains no more materia than that which we conceive to be the rarest, thinnest, lightest, or least powerful body of all; as gold, for instance, and *æther*, or the substance that fills the cavity of an exhausted vessel, or cavity of the glass of a barometer above the quicksilver. Nay, as I shall afterwards prove, this cavity is more full, or a more dense body of æther, in the common sense or acceptation of the word, than gold is of gold, bulk for bulk; and that because the one, viz., the mass of æther, is all æther: but the mass of gold, which we conceive, is not all gold; but there is an intermixture, and that vastly more than is commonly supposed, of æther with it; so that vacuity, as it is commonly thought, or erroneously supposed, is a more dense body than the gold as gold. But if we consider the whole content of the one with that of the other, within the same or equal quantity of expatiation, then are they both equally containing the *materia* or body." —*From the Posthumous Works of Robert Hooke, M.D., F.R.S., 1705, pp. 171-2 (as copied in "Memoir of Dalton," by Angus Smith).*

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Newton's contemporaries do not shine in facility and clearness of expression, as he himself did, but Professor Poynting interprets the above singular attempt at utterance thus:

"All space is filled with equally dense *materia*. Gold fills only a small fraction of the space assigned to it, and yet has a big mass. How much greater must be the total mass filling that space!"

The tacit assumption here made is that the particles of the aggregate are all composed of one and the same continuous substance—practically that matter is made of ether; and that assumption, in Hooke's day, must have been only a speculation. But it is the kind of speculation which time is justifying—it is the kind of truth which we all feel to be in process of establishment now.

We do not depend on that sort of argument, however; what we depend on is experimental measure of the mass, and mathematical estimate of the volume, of the electron. For calculation shows that however the mass be accounted for, whether electrostatically or magnetically, or hydrodynamically, the estimate of ratio of mass to effective volume can differ only in a numerical coefficient and cannot differ as regards order of magnitude. The only way out of this conclusion would be the discovery that the negative electron is not the real or the main matter-unit, but is only a subsidiary ingredient, whereas the main mass is the more bulky positive charge. That last hypothesis, however, is at present too vague to be useful. Moreover, the mass of such a charge would in that case be unexplained, and would need a further step; which would probably land us in much the same sort of ethereal density as is involved in the estimate which I have based on the more familiar and tractable negative electron.

It may be said why assume any finite density for the ether at all? Why not assume that, as it is infinitely continuous, so it is infinitely dense—whatever that may mean—and that all its properties are infinite?

This might be possible were it not for the velocity of light. By transmitting waves at a finite and measurable speed, the ether has given itself away, and has let in all the possibilities of calculation and numerical statement. Its properties are thereby exhibited as essentially finite—however infinite the whole extent of it may turn out to be.

OLIVER LODGE.

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INVESTMENT SECURITIES.—V.

BY FINANCIER.

Collateral Trust Bonds.—The numerous issues of Collateral Trust Bonds which were brought out four or five years ago were among the concomitants of the peculiar conditions governing American railway finance at that time. This was the period of consolidations, mergers and combinations, as a result of which almost the entire railway mileage of the country became a part of or subject to the control of a few large systems.

One road would buy up a controlling interest in the stock of a competitor or connecting line, and would reimburse itself for the cost of the stock acquired by issuing its own bonds, collaterally secured by the shares of the purchased road. In several instances "holding companies" were incorporated to hold the stock, which, in turn, would be pledged to secure an issue of the company's collateral trust bonds.

In 1902, when control of the Louisville and Nashville Railroad was turned over to the Atlantic Coast Line, the purchase was financed by an issue of collateral bonds. Of the Louisville and Nashville's $60,000,000 of stock, $30,600,000 was acquired by the Coast Line, which paid for the same, in part, by issuing $35,000,000 of its bonds secured by the Louisville and Nashville stock.

The worth of a Collateral Trust Bond depends upon the credit and financial strength of the issuing corporation and upon the value of the collateral. At the time the Atlantic Coast Line-Louisville and Nashville Collateral Trust Four-Per-Cent Bonds were issued, the Coast Line Railroad was in a strong position, its stock was selling well above par, and the value of the Louisville and Nashville stock deposited with the trustee, measured by the market quotations then current, was in excess of the

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amount of the bonds issued against it. The bonds were fairly well regarded and sold above ninety in the market.

The decline which has taken place in the market price of all railroad bonds is especially marked in the case of the Collateral Trust Bonds, and the Atlantic Coast Line Collateral Fours offer no exception. The fall in the price of these bonds is entirely natural. The depreciation of the Atlantic Coast Line's own stock indicates some weakening of its credit, and this is reflected in the decline in price of all the road's bonds. The Louisville and Nashville stock deposited as collateral has now a market value considerably below the amount of bonds against which it is pledged as security. Thus, as far as the Coast Line-Louisville and Nashville Collateral Fours are concerned, there has occurred a weakening in the strength of the issuing corporation and a fall in the value of the collateral. The decline in the price of the bonds reflects both conditions.

The Collateral Trust Bonds of a holding company seldom have the qualifications of a conservative investment. The Chicago, Rock Island and Pacific Railroad Collateral Trust Four-Per Cent. Bonds furnish an illustration of this type of bonds. To indicate their real position, it is necessary to explain briefly the anatomy of the so-called Rock Island System.

The backbone of the system is the Chicago, Rock Island and Pacific Railway, an old and strong road, with a record of uninterrupted dividends extending over forty-six years. Radiating from the Chicago, Rock Island and Pacific Railway, and supplementing it in the vast territory the system serves, are the St. Louis and San Francisco, the Chicago and Eastern Illinois, the St. Louis, Memphis and Southeastern and half a dozen other roads, with a total of about 14,000 miles of track.

The Chicago, Rock Island and Pacific Railroad was formed to take over the stock of the Chicago, Rock Island and Pacific Railway and the stock of the St. Louis and San Francisco Railroad.

A large proportion of the Railway's stock was acquired by the Railroad, and pledged to secure the issue of the latter's Collateral Trust Fours. The par value of the bonds issued is just equal to the par value of the stock deposited against them. In other words, each $1,000 bond is secured by ten shares of stock of $100 each. The stock of the Railroad is in turn owned by a third corporation, the Rock Island Company, and it is the control of

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this Company which carries with it the control of the entire Rock Island System.

Consider, then, the position of the owner of a Chicago, Rock Island and Pacific Collateral Trust Four-Per-Cent. Bond. He has the obligation of a company which has no property except the stocks of two railroad companies, against which bonds are issued to practically their full value. The strength of the issuing corporation is virtually *nil*. The bondholder must look entirely to the collateral for his security. In other words, the bondholder has no greater security than he would have had he an equal amount of the Railway Company's stock. But, while assuming all the risks of a shareholder, he enjoys none of a shareholder's advantages. He has no voice in the control of the road, nor any hope of his security's paying him a better income in the future should growth of the Railway's business enable it to pay greater dividends. The bondholder under no conditions is entitled to more than his four per cent. *per annum*.

It is not to be assumed from this that the Rock Island Collateral Fours are without value. The stock of the Railway has undoubtedly a substantial value, but it hardly affords the sort of security which should appeal to the careful bond-buyer. The bonds meet the requirements only of one who can afford to take the risks of a stock purchase.

Many Collateral Trust issues are secured not by the pledge of stocks, but by the pledge of bonds. If the bonds deposited as collateral are well secured, it follows that the issues which they protect are reasonably safe. The owner of the Collateral Trust security should carefully examine not only the indenture under which his bonds were issued, but also that under which the bonds pledged were issued. He should be convinced that additional amounts of the pledged bonds cannot be issued in a way to dilute the value of his collateral.

Collateral Trust Mortgages vary to a considerable degree in the protection they afford the bondholder. If the collateral is stock, full power should be given the trustee, in case of a default in the payment of interest or principal of the bonds, to vote the stock, to sell it or distribute it among the bondholders. Some mortgages permit the trustee to sell the collateral without the necessity of a technical foreclosure. In the case of a sale of stock, the bondholder is usually entitled to use his bonds in payment.

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Some Collateral Trust Mortgages permit the issuing company to withdraw all or part of the collateral and substitute other securities of equal value, satisfactory to the trustee. Such a provision rather increases the risk which the bondholder assumes, because there is the possibility that, if substitution is made, good collateral may be replaced by that of less value, as a result of either misjudgment or fraud on the part of the trustee.

Equipment Trust Bonds.—Equipment Trust Bonds, or Notes as they are usually termed, are in some respects similar to Collateral Trust Bonds. They are secured, however, not by the pledge of other bonds or stock, but by the pledge of rolling-stock —by a lien on freight cars, locomotives, or coaches. Equipment Notes usually mature serially; that is, a certain amount of the issue becomes due every year or every six months.

Equipment Notes are issued by a railroad when it desires to purchase a rather large consignment of rolling-stock and has not sufficient funds in hand to meet the entire cost. The road will usually pay to the company manufacturing the equipment from ten to twenty-five per cent. of the cost, and it issues its notes, secured by the equipment, for the balance of the purchase price.

The title to the equipment is usually held by a trust company as trustee for the note-holders. The indenture under which the notes are issued provides that the road which puts out the notes may use the equipment, but that a brass plate shall be conspicuously placed on each car or locomotive stating that the trust company is the owner. As long as the road promptly pays the interest on the notes, as well as the principal of the ones which fall due every year, it may continue to use the equipment. The road must further keep the equipment insured and in good repair. It must replace any of the rolling-stock destroyed. Although a certain proportion of the issue is paid off annually, all of the equipment usually remains subject to the lien of the unmatured notes. While the rolling-stock will depreciate somewhat from year to year, the amount of notes outstanding against it is constantly decreasing, and, if the issue is properly protected, the value of the equipment is always in excess of the amount of notes unredeemed.

The life of cars or locomotives is comparatively short and thus the notes maturing at the latest date do not run a long period. Ten to fifteen years is about the average. Not until the

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last note is paid off does the title to the equipment rest in the railroad.

Equipment Notes, as a class, constitute a fairly safe investment. By means of an issue of this kind the road is able to pay for its equipment on the instalment plan. As each payment is moderate in amount, the road is usually able to meet it without difficulty. In exceptional cases in which roads have been forced into bankruptcy, the receivers have been directed by the courts to continue the payment of the amounts due on the Equipment Trust obligations, in order that a default may not cause the road to be deprived of its equipment. If the equipment subject to the lien of the Notes is necessary to the proper operation of the road, the payments which must be met in order to retain the equipment will have almost a first claim on the earnings.

In some instances, the rolling-stock is owned by an association which leases it to a road under an agreement by the terms of which the road is obligated to pay as rental an amount sufficient to retire periodically a proportion of the cost with interest. The securities issued under such an arrangement do not vary greatly in principle from the Equipment Notes which are the direct obligation of the road.

The equipment obligations of the road seldom have as ready a market as the rest of the road's securities. Few issues are listed on the Stock Exchange. Each issue has many maturities, and the notes of each maturity have, of course, a different value from those of any other maturity. The entire issue is usually for a moderate amount. For these reasons, it would hardly be worth while to list them. The lack of a ready market and the short term for which they run are the objections raised against this class of securities. On account of these objections, perhaps, Equipment Notes may normally be purchased at prices returning a higher income than that which can be obtained from the purchase of a long-term Mortgage Bond offering the same degree of protection to the investor.

FINANCIER.

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THE GERMAN BOURSE LAW.

BY G. PLOCHMANN.

In the special message sent to Congress on the 31st of January, 1908, the President of the United States condemns speculating in securities and commodities as a pernicious practice, and urges the introduction of legislative measures to remove this unhealthy feature from our business life. It is suggested that "we should study both the successes and the failures of foreign legislators who, notably in Germany, have worked along this line, so as not to do anything harmful"; and, indeed, the experience of Germany in this particular field of legislation furnishes a timely and interesting object-lesson.

The German Bourse Law of 1896 is the creation of the Agrarian Party, which considered speculation in grains and other commodities to be an unsettling and unfavorable market factor and detrimental to agricultural interests.

A similar view was taken of speculative transactions in stocks and securities, where, during former periods of excited activity, unhealthy signs of business immorality had appeared that rendered reform imperatively necessary.

A Bill, known as the Bourse Law of 1896, was passed in the Reichstag on June 22d, 1896, by the majority, composed of the Centre and Conservative Parties, against the opposition of Liberals and Socialists, and became operative on July 30th of the same year.

The New Law: Its Scope and Its Effect.—Three measures were introduced to check the evils of speculative trading:

1. Trading for future delivery in grain and other commodities, and in mining and industrial securities, and in the securities of all corporations having a capital of less than 20,000,000 marks

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was prohibited. No longer were the markets to be influenced by the raids of professional gamblers, who, by selling commodities or securities which they did not possess, or by making fictitious purchases for which they did not intend to pay, worked havoc with the laws of supply and demand. No longer should it be possible for small corporations of doubtful standing to dispose of their shares at a substantial premium, by creating an artificial demand for their own stock, thus attracting the money of guileless investors.

2. An addition to this measure was the so-called Bourse Register. Banks, brokers and investors who intended to trade in futures, where such trading was still permitted under the new law, had the option of entering their names in this register for an entrance fee of 150 marks, and an annual fee of 25 marks, and they were then legally bound to fulfil all obligations arising out of such transactions. If the name of one of the parties to a contract did not appear on the Bourse Register, such contract was void and the settlement of a claim could not be enforced by law. It was expected that this Register would be used only by those engaged in financial affairs whose standing fully qualified them to deal on the Stock Exchange, and that all undesirable persons would be deterred from filing their name, as that might publicly brand them as professional gamblers and jeopardize their reputation.

3. To complete the work of the anti-gambling crusade, the restrictions already imposed upon trading for future delivery were rendered more severe in 1900 by a new law (Section 764 of the German Civil Code), which provided as follows:

"If a contract for the future delivery of commodities or securities has been closed with the intention that the difference between the price agreed on and the Stock Exchange or market price at the time of delivery shall be paid by the loser to the winner, such contract is to be considered as a wager. This shall also apply if only one of the contracting parties intends that the difference should be paid and the other party knows or should know such intention."

According to the Gambling and Betting Act (Section 762 of the German Civil Code):

"No liability can be established through gambling or betting. Money lost through gambling or betting cannot be recovered on the plea that no liability existed."

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It will readily be seen that the new law placed gambling on the Stock Exchange on a par with gambling at cards or on the race track, and denied its devotees all further consideration.

To protect irresponsible persons against their own errors of judgment, to weed out undesirable manipulators, to purify business life: that was what the well-meaning German legislators fondly hoped to accomplish—the familiar old tune, that has been sounded since the days of the tulip mania at different times in every country. Alas! "the best laid schemes of mice and men gang aft a-glee." The objections of those who were opposed to the passage of these measures have been justified by the financial history of the last twelve years. The Bourse Law of 1896 has proved the most disastrous failure in the economic life of the German people, and has destroyed the prestige of the Berlin Stock Exchange for years to come.

Prior to the enactment of the Bourse Law, the bulk of all Stock Exchange transactions consisted of trading for the account. A settlement took place at the end of every month, when commitments were either liquidated or carried over to the new account, very much as is done in London twice a month. From the character of the daily trading a fairly precise *guess* could be formed of the financial requirements that would have to be met at the approaching settlement, and preparations could accordingly be made to meet the demand in such a way as to minimize the strain upon the money market. This task was considerably simplified through the accumulation of trades during a whole month, of which many could eventually be compensated without transfer of capital.

It must not be inferred from this that these settlements always passed off quite smoothly; on the contrary, they proved very trying at times when money was also in brisk demand for other purposes. But it is not too much to say that the liquidation, all over the country, of the monthly account, that used to run into quite large proportions in active times, could in fairly normal times be accomplished without creating more than a temporary flutter in the money market. Arrangements for monthly renewal loans were made all through the month, and money that could not be profitably employed in other channels readily found its way to the principal cities of the country, thus helping to satisfy the needs of the Stock Exchange settlements.

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The restrictions imposed upon trading for the account changed all this. Transactions for future delivery which could be settled, as heretofore, once a month, were now limited to a comparatively small number of securities, principally those of large banks and transportation enterprises. By far the majority of all securities listed on the Board were outclassed under the new rules, and could henceforth be dealt in only on a cash basis. Every day became a settling day now, with more or less extensive requirements of capital that had to be provided at short notice. People in this country, where the highest rates for accommodation are paid, can appreciate what that means.

To corroborate once more the time-honored experience that laws are made to be evaded, a subterfuge was discovered to get around the embargo put upon trading for the account which increased the demand for ready money.

A deal in futures, according to the new law, is a contract which provides that the delivery of securities or commodities, as well as the payment of the price, shall be put off to some future date, agreed upon by the contracting parties. These two characteristics, according to legal definition, go to make up a time bargain. As long as the delivery *only* was postponed, but the purchase price paid at once, the contracting parties would not violate the law.

A new practice of trading followed this discovery. In almost all the listed securities, trading for future delivery was resumed in spite of the restrictions imposed by the law. Such transactions were disguised in the following way:

Supposing a man of good repute and standing, but not in possession of sufficiently large cash resources to pay for all his commitments, wanted to operate in that section of the market where trading for the account was unlawful; all he had to do was either to pledge his good credit or put up reasonable margin with his brokerage house or bank and have his orders executed under a special arrangement, whereby the delivery of all securities bought or sold for his account was to be postponed to some future date in his option, whilst his account was to be charged at once for the full purchase price or be given credit for amounts realized on sales. The law enforced cash transactions, but it could not enjoin commission houses from advancing their own cash to clients whose business they wished to retain.

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Although these pay-up-at-once-and-deliver-when-you-like transactions did not violate the letter of the law, they once more opened the door to stock jobbing, short sales and gambling for a turn; and differed from the prohibited form of trading only in that they were harder to finance.

The increased demand for currency coming from the Stock Exchange has, without doubt, greatly intensified the acute monetary stringency with which Germany has had to contend during recent years, owing to its rapid expansion in the industrial field.

The private bankers and brokerage houses soon found the new conditions too onerous for their limited resources of capital. An unequal struggle set in between them and their powerful competitors in the brokerage business, the Joint Stock Banks. The smaller houses became either entirely dependent upon the Banks for help to enable them to carry on their business or had to go out of business altogether.

From the statistics published by the German Bankers' Association one may learn that in 1891-1896, the number of private bankers decreased by 32, and in 1897-1902 by 125; whilst in 1891-1896 the number of Public Banks increased by 65, and in 1897-1902 by 207. These figures bear witness to a predominance of large aggregations of capital over smaller ones on the floor of the Stock Exchange, which surely is not desirable. Valuable connections that had carefully been fostered for years were broken up or diverted to foreign markets. Being deprived of an active speculative interest and of many of its former leaders and their following, the market became highly susceptible to unfavorable developments and rumors; and, in the absence of all steadying influence, any adverse factors were accompanied by fluctuations such as had rarely been witnessed in former times.

The outbreak of the Russo-Japanese war, for instance, in which German politics were hardly involved at all, was followed by a much more severe decline on the Berlin Bourse than the one which took place in Paris and London, although French capital had a much more direct interest in the success of the Russian arms.

Not less destructive to legitimate business was the effect directly attributable to the introduction of the Bourse Register and the extension of the Gambling and Betting Act to fictitious time bargains. It was found that the less prominent private bankers,

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who also accepted money on deposit, did not care to file their names on the Register, for fear that their reputation as conservative bankers might become injured.

Since the Gambling Act was extended to trading for a difference, bankers and brokers did not care to trade in stocks and securities, as they preferred not to run the risk of losing their own money, as they might do if a customer should fail to make good an eventual loss and secure his immunity by pleading in Court that his name was not on the Bourse Register, or that he only wanted to take advantage of the fluctuations in the market. In quite a number of cases, the protection of this unjust law was resorted to by persons who had been identified with stock operations for years.

German capital was diverted to the financial centres of other countries, where, unhampered by legislative interference, it might find such scope as had been denied it at home. During the years following the enactment of the Bourse Laws, German capital amounting to many millions of dollars went to London and New York, and were there invested in railroad securities or in shares of industrial corporations and mines, which proved a great injury to Germany, as a very large proportion of this money left the home country never to return. Thus it can be seen that the movement of funds through bank channels was greatly diminished, which resulted in interrupting the success of many financial undertakings.

Among business men the Bourse Law came to be regarded with the utmost apprehension, and the whole financial community combined in rare unanimity to take up the fight for a thorough revision of the law. The trend of popular feeling is best illustrated by a reference to the annual reports of the principal banks. Following are a few quotations:

"The prices of all industrial securities have fallen. This decline has been felt all the more as, by reason of the ill-conceived Bourse Law, it struck the public with full force without being softened through covering purchases of speculative interests."—*From the report of the Deutsche Bank for 1900.*

"A serious political surprise would cause the worst panic, because there are no longer any dealers to take up the securities which, at such times, are thrown upon the market by the speculating public."—*From the report of the Deutsche Bank for 1904.*

"In our last report, we referred to the great danger which may be

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brought about through delaying the revision of the Bourse Laws, and we are now pointing to it again because we consider it our duty to impress again and again a wider circle of the public with the economic value of the Stock Exchange, and its important relation to our financial preparedness in times of war."—*From the report of the Deutsche Bank for 1905.*

"If it had still been necessary to furnish proof of the regrettable fact that the German Bourses are no longer able to accomplish their task—equally important to the welfare of the people as to the standing of the Empire—the trend of events during the past financial year in general, and the result of the last German Government issues in particular, would have furnished that proof."—*From the report of the Deutsche Bank for 1906.*

"The danger, which lies in the ban put on speculation, especially in the prohibition of trading for future delivery in mining and industrial securities, will become manifest to the public if, with a change of economic conditions, the unavoidable selling force cannot be met by dealers willing and able to buy. It will then be too late to recognize the harmful effects of the Bourse Law."—*From the report of the Dresdner Bank for 1899.*

"The unfortunate Bourse Laws continue to be a grave obstacle to business activity."—*From the report of the Disconto-Gesellschaft for 1902.*

"The Bourse will not be able to resume its important economic functions till the restrictions upon trading for future delivery have been removed."—*From the report of the Disconto-Gesellschaft for 1903.*

The Bourse Law has been the all-absorbing topic of financial discussion in recent years. Thanks to the unremitting efforts of public-spirited men, the Government appears to have at last seen the folly of continuing its mistaken policy, and has promised a thorough revision of the Bourse Law which is now before the Reichstag and will, no doubt, be passed upon within the next few weeks.

G. PLOCHMANN.

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A CRISIS IN THE HISTORY OF THE AMERICAN ARMY.

BY LOUIS LIVINGSTON SEAMAN.

In time of peace the American people will never tolerate the maintenance of a large standing army, its presence being considered, justly or unjustly, a menace to republican institutions. It is therefore more important to us than to any other nation to have the most perfect and efficient military system in the world, a system sufficiently elastic to permit of rapid expansion in the emergency of war, when the great majority of its working forces must be drawn from civil life. The machinery for such an organization must of necessity be very complex, but there is no single factor in its construction more essential for its success than its Medical Department. The records of wars for the last two centuries show the mortality from disease to be five times greater than from the casualties of battle; and that disease has decided the issue in more campaigns than have bullets. History proves that of every 100 men who fall in war, 20 die from battle casualties, while 80 succumb to disease. The proportion in the last Russo-Turkish war was 80,000 from disease to 20,000 from wounds. In the Crimean war the Allied Forces lost 50,000 from disease and 2,000 from bullets, in a period of six months. Almost parallel conditions prevailed in our own army in the Valley of the Chickahominy during the long waiting stages before the final battles of our Civil War. In that conflict, with its hundreds of thousands of fatalities, three-quarters resulted from disease. During the French campaign in Madagascar, in 1894, 14,000 men were sent to the front, of whom 29 were killed in action and over 7,000 perished from disease. The English losses in the Boer war in South Africa were ten times greater from disease than from bullets. But the crowning exhibition of imbecility

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was reserved for the United States in its recent war with Spain (opera bouffe campaign), when fourteen men were needlessly sacrificed to ignorance and incompetency, for every one who died on the firing line or from battle casualties. The nominal mean strength of our army was about 170,000, while the number of hospital admissions on September 10th, 1898, was over 158,000, or 90 per cent. of the entire force; while 2,649 soldiers died within three months in the pest camps of their native land, without leaving the country.

On the 10th of October, 1905, the Surgeon-General furnished me the following vital statistics of the United States Military Expeditions for the year 1898:

	Deaths from Battle Casualties.	Disease.
In the Philippine Islands	17	203
In Puerto Rico	3	262
In Cuba	273	567
In the U. S. home camps, etc	..	2,649
Total Deaths	293	3,681

or, in other words, 1 from casualties to nearly 14 from disease.

In Puerto Rico, where, according to this report, three men were killed, 262, or nearly a hundred times as many, died from disease. The number of hospital admissions there, as in the Philippines, nearly equalled the strength of the entire invading army, and the camps, from one end of the island to the other, were pestiferous hotbeds of disease before they had been occupied a month; so that, had the bugle sounded for action, only a small percentage of units could have responded to the call. As in Cuba, and the Philippines, the army of invasion was little more than a peripatetic hospital. It is scarcely necessary to remind the reader of the pathetic conditions prevailing in the home camps, where the vast majority of our forces were concentrated, and mustered out, without having seen a single campaigning hardship abroad, or hearing the hum of a hostile ball. The names of Camp Alger and Chickamauga, Tampa and Black, will be remembered as national disgraces. The fact that 2,649 soldiers, selected only a few weeks previously on account of their splendid physical condition, had, as a reward for their patriotism, the bugle notes of taps sounded over their graves, and that to-day 43,000 pension claims have been issued, or are pending in the Pension Office of the United States, as a result of our almost bloodless war with Spain, tells more eloquently than any

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argument of the ignominious failure of our Medical Department and of the shameful neglect of our government to furnish proper care for its ostensible guardians.

That this wholesale and needless slaughter of innocents was almost totally unnecessary was overwhelmingly proved by the statistics of the Russo-Japanese war, where, in a conflict under conditions far more trying, the ratio of losses was completely reversed. In that titanic contest it was shown how an army, which forty-two years ago fought with bows and arrows, and with coats of mail such as were used by the soldiers of the Emperor Charles V in the sixteenth century, had, by adopting the sanitary science of modern days, lost only 27,168 from disease, to 58,887 from battle casualties, or more than 2 from battle casualties to 1 from disease, as against the historical record of 5 from disease to 1 from battle casualties. This splendid result was gained largely on account of the practical application of sanitary and hygienic laws, enforced by an adequately equipped, trained and authorized Medical Department. Japan was quick to realize that upon the medical officer devolved the duty of *preventing* disease, and his specific part in maintaining the health of the units of the army made him a most effective factor in the military establishment.

Until our government recognizes that the most vulnerable point of our army lies in the failure to recognize that the prevention of disease is the most important guarantee of its preservation and efficiency, there can be little hope for improvement. War is inseparable from incidental evils of a contagious and infectious character, and thorough preparation is the serum that will either prevent, alleviate or cure them. Armed with this prophylactic antidote, and with our splendid geographical isolation, America would be not only safe, but invincible. The horrors of war are, or should be, proportionate to the progress of civilization. In modern times some of the barbarities have been assuaged by the "lex non scripta," the recognized code of civilized nations, supplemented by the Geneva Convention, by which nations have bound themselves to recognize the neutrality of officers of the Red Cross, so that many of the most revolting features of war have been removed. Statistics prove, however, that, except in the war between Russia and Japan, the greatest enemy of both opposing armies, disease, still retains its stronghold.

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The tardy recognition of this truth resulted in the introduction in Congress of a measure entitled, "A Bill to Increase the Efficiency of the Medical Department of Our Army." Careful study of this measure discloses the lamentable fact that, aside from abolishing the system of employing contract surgeons, and establishing a provision for a reserve corps, it fails to advocate a really redeeming feature. The lessons of our own dreadful failures in the past, as well as of the brilliant successes of the Japanese, seem to have fallen on absolutely deaf ears, and to have been productive of no reform. The same antiquated policy of the Medical Department is upheld in this bill, a policy based on the theory that the *cure* of disease, rather than its *prevention,* is the duty of the medical officer. The phenomenal strides of sanitary science, made since the discovery of the microbic origin of disease, have been utterly ignored, and the medical officer, who should battle with the foe that in the past has killed 80 out of every 100 that fall in war, continues to be relegated to the rear, where his recommendations may be overruled by a line officer, ignorant of the first principles of the science of sanitation or preventive hygiene. The officers of infantry, of cavalry, of engineering or even of the signal service can issue their orders and have them obeyed, although, together, they represent that part of the army which kills but twenty per cent. of those that die in war; while the medical officer, who has to fight a foe that is four times more deadly in its ravages, cannot issue a single order that will protect the health of the soldier, but can merely make a recommendation, which the commanding (line) officer may cast aside at will.

In the Japanese war the Medical Department of the army had its independent transport; it had supervision over the commissariat; and the authority of the medical officer was never called in question; with the result that the scandalous squandering of life from preventable causes was stopped. Contagious and infectious diseases were reduced to a minimum, although military exigencies often compelled encampment on infested sites from which the enemy had been driven. In almost every great battle the Japanese were compelled to care not only for their own dead and wounded, but also for those of the enemy who had fallen into their hands. In addition to their own invalided men, 67,000 sick or wounded Russians were sent to Japan and cured, and in

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their own army a health record was made, heretofore unheard of in the annals of war.

All these facts were well known in Washington shortly after the close of the Russo-Japanese war, my reports to that effect having been substantiated later by the Military Attaché of our Government. Yet in the face of this evidence a measure is now before Congress "To Increase the Efficiency of the Medical Department," which utterly ignores these memorable lessons, and which, if passed, will leave the department in the same prehistoric and imbecile state that has characterized it since its inauguration. Instead of keeping pace with the advancement of scientific medicine, it has in the last 150 years actually retrograded. On September 5th, 1777, "A Board of War" ordered the republication of a small pamphlet written by Dr. Benjamin Rush, entitled "Directions for Preserving the Health of Soldiers, Recommended to the Consideration of the Officers of the Army of the United States," which contains in its half dozen pages more practical common sense upon the subject of military sanitation than is to be found in all the present Rules and Regulations governing the Medical Department of the army to-day. It begins as follows:

"Fatal experience has taught the people of America that a greater proportion of men have perished from sickness in our army than have fallen by the sword. The last two campaigns have produced melancholy proofs of this assertion. . . . The gallant youth who had torn himself from the arms of his parents or the partner of his joys; who had plighted his life to his country in the field; and who, perhaps, in the enthusiasm of his military ardor had courted death from a cannon ball—was often forced from the scene of action and glory by the attack of a fever, and obliged to languish for days or weeks in an hospital; and, at last, to close his eyes, deprived of the sweet consolation of a dying soldier, the thought of ending his life in the arms of victory, or in an act of just resentment against the enemies of the liberty of his country. . . . I maintain that the mortality from sickness in camps is not necessarily connected with the soldier's life; it was unknown to the armies of ancient Greece and Rome. Their armies had no diseases peculiar to themselves; nor were the diseases, to which their soldiers were subject, attended with any peculiar symptoms. But the munificence of the Congress, and the skill of Physicians and Surgeons, will avail but little in preventing mortality from sickness among our soldiers, without the concurrence of the line officers of the army. Your authority, gentlemen, is absolutely necessary to enforce the most sanitary plans and precepts for preserving the health of the soldier. Your own personal safety is concerned, . . . but

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if this were not the case, I am persuaded humanity and patriotism will not plead in vain in favor of those brave fellows whose lives are committed to your care by the suffrages of your country."

Then follow minute particulars and directions under various headings, which, had they been enforced in our Spanish and American Civil War, would have resulted in returning our armies to their homes at the close of those campaigns in better condition than when they departed, except, of course, in the case of the killed and wounded who fell as the legitimate victims of war.

The measure now pending before Congress advocates a slight increase in the commissioned personnel of the medical corps, provides for a more rapid flow of promotion and establishes a so-called Medical Reserve Corps, but there is no essential feature that will inject life into the department and qualify it to prevent a repetition of its former deplorable record in the emergency of another war. It contains no single provision that will benefit or protect the health of the fighting man in the ranks. It gives the medical officer no increased authority to enforce necessary sanitation and hygiene. It contains no provision for the organization of a department of pharmacy which should have charge of the hospital records and of surgical and hospital supplies, thereby relieving the Medical Department of the clerical work which now makes its officers little more than property clerks. It contains no provision for a department of sanitation that could prevent the *introduction* of disease, and of vastly greater importance than all the other medical departments combined. It contains no provision that will prevent a line officer from dumping a shipload of medical supplies on the wharf at Tampa and reloading the ship with mules, and then ordering the army to proceed to the front without the tentage and hospital supplies necessary for the protection of the wounded. It includes no clause that will prevent an ignorant Secretary of War from again holding up a glass of water containing, as had been proved, typhoid bacilli, and from stultifying himself by saying, "Why, it looks all right to me." Neither does it comprehend a provision that will prevent a Major-General from blue pencilling a requisition made by a Deputy Surgeon-General, for more nurses and medical officers, only to find, a few weeks later that four times the number called for by the original requisition had to be supplied. The Bill makes no provision for in-

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spection of the Medical Department by competent medical officers. That duty is now performed by line officers. An officer of the line is no more competent to pass upon medical questions, or the proper treatment of the sick and wounded, than a medical officer is competent to critically report upon the building of an entrenchment, or the angle of a gun in indirect fire.

Will nothing ever awaken our authorities from their Rip Van Winkle dream, and arouse them to an appreciation of the requirements of the situation? The discovery of the microbic origin of disease by Pasteur, Koch and Lister, and the finding of the secret key of sanitation seem to have had no more effect in bringing about a reform than have our dreadful experiences and losses in the past, which later events have shown to be practically unnecessary. The fundamental basis of any effective reform must contain a provision conceding to the medical officer authority in his own department, authority, *not to command troops,* but to compel obedience to sanitary laws in barracks or camps, on the march or in bivouac, so they shall be able to respond to the command of others. Until this is done, the Medical Department will remain what it is to-day, a lamentable and deplorable failure, and all petty measures passed by Congress to increase its efficiency will avail nothing. Without heed to homes made desolate, and to the economic loss of valuable lives uselessly sacrificed, that might be saved for breadwinners in industrial pursuits, America will continue its insane policy of preferring pensions to prevention. As a result of our almost bloodless conflict with Spain, the rolls of our Pension Office to-day carry the names of 24,000 pensioners, over 19,000 of whom are invalids or survivors of the war; and over 18,000 additional claims are now pending, although the total of the Cuban army of invasion was only 20,000 men. We paid in pensions last year $146,000,000, and the appropriation estimated for this year has increased to $151,000,000. More than half of this monstrous outlay could have been saved by an efficient Medical Department. No one is idiotic enough to believe that, had our home camps been under the supervision of the New York Board of Health, such disgraceful records of sickness and mortality would have resulted. And why? Simply because that Board would have had the power to enforce the sanitation that would have kept the men in a condition of vigorous health.

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It is a matter of history that when competent medical officers, bacteriologists (one of whom had been an assistant in Koch's Laboratory in Berlin for four years), volunteered to set up at Camp Alger the simple plant that could have prevented the lamentable losses, their proposal was "disapproved" by the red-tapism of the Regular Establishment for the reason given that "the officers selected for the work were not commissioned, but enlisted," and "it would violate all traditions of the army to do this work in this manner," also adding that "it was useless to establish a bacteriological laboratory in the field, as it could not be of any practical benefit." So, in sight of the Capitol dome at Washington, disease was allowed to run rampant, with nothing, *absolutely nothing,* being done to find the source of infection or prevent its spread. Hundreds of brave men died, victims of this governmental neglect, who by the exercise of sanitary precautions might have been saved to their families as breadwinners; and thousands were invalided who might to-day have been producers instead of pensioners.

In discussing these questions in the office of the President in Washington, a few days ago, the only argument which the Chairman of the Military Committee of the House of Representatives advanced against these reforms, was that they would entail additional expense, and the ratio of high-ranking officers would be greater in the Medical Department than in the other departments of the army. In connection with this assertion the following statistics are interesting.

There are now six Major-Generals of the line, with a total of 3,018 officers of the line; cavalry artillery and infantry. Ratio of Major-Generals to all other officers of the line, 1:503. Brigadier-Generals of the line 16; total officers 3,018; ratio, 1:188. Adjutant-General's Department, 24; ratio of Major-Generals 1:23. Ratio of Brigadier-Generals 1:23. Inspector-General's Department, total 17; ratio 1:16. Judge Advocate's Department, total 12; ratio, 1:11. Quartermaster's Department, total 296; ratio, 1:295. Subsistence Department, total 44; ratio, 1:43. Pay Department, total 53; ratio, 1:52. Corps of Engineers, total 188; ratio, 1:187. Ordnance Dapartment, total 85; ratio, 1:84. Signal Corps, total 46; ratio, 1:45. Medical Department, total 322; ratio, 1:321. Medical Department, as per Bill now before Congress and known as the Cocks' Bill, total 486; ratio of Major-Generals 1:485. Ratio of Brigadier-Generals 1:97, or a *smaller* rate than any other staff department, excepting the Quartermaster's and the Engineer Corps.

Thus is one argument against improved sanitary service re-

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futed. Mr. Hale of Maine recently stated in the Senate, that "wars past or present, including pensions, represented 70 per cent. of the total revenues of the Government." One stands aghast at the apathy of the Government when it is considered that the Medical Department fights the foe that kills the 80 per cent. of the victims of war, and that if invested with proper authority, the department might save four-fifths of this dreadful loss, both in lives and in pensions. Aside from any humanitarian considerations, when it is demonstrated that the actual saving in pensions would amount in twenty-five years to the total cost of the war from which they would have resulted, it would seem that further evidence is not necessary to establish the value of the medical man as a financial asset.

Proof of the generosity of our nation is seen in the treatment of its pensioners. There should be little difficulty in obtaining a reformation in its army that would protect the country's guardians. The American soldier needs no apologies; he has fought some of the bloodiest battles of history, with a valor and courage as great as that of any man who ever served with the colors. It is therefore hoped that the day is not distant when the true value of the medical man in war will be appreciated, so the fighting units of the country may receive the protection and care they deserve. If the slaughter of soldiers must go on, let our men be killed legitimately on the firing line, fighting for the stake at issue, not dropped by the wayside through preventable disease, 14 to 1, as they were in the Spanish-American war. It is for the fourteen who are uselessly sacrificed, not for the one who falls gallantly fighting, that this reform is demanded.

LOUIS LIVINGSTON SEAMAN.

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THE UNIVERSITY JOURNAL.

BY JOSEPH S. AUERBACH.

For more reasons than one it will be a distinct misfortune if some lasting educational benefits do not result from the suggestions made by Mr. George Harvey in his recent "Bromley" lectures delivered at Yale University.

At the close of the first lecture, which set forth—with peculiar interest, as the readers of The North American Review of last month had the privilege of knowing—his conception of true journalism, there was distributed to the audience a newspaper prepared by Mr. Harvey, as of a given day in February last, and called in courtesy "The Bromley Morning News." This was termed by him a "sample," but others, more free to express their opinion, would term it a model of what the daily newspaper might be.

Though consisting of but four pages, one of which was devoted to advertising, it contained timely and thoughtful editorials and comment, together with the current news of the day and matters of interest rearranged to meet the needs of the general reader. It was, in form and substance, a creditable publication of itself and more particularly in what it was intended to typify, and reminded one by its appearance and seriousness and the absence from its columns of senseless and objectionable items of one of the great London dailies. It was pleasing to the eye and to the mind, and through it the reader looked out upon the activities of life and not into its sewers.

The second lecture consisted of a discussion of the considerations which should be controlling in the preparation of such a newspaper as a business enterprise and presented the suggestion that such a publication in a University would afford a unique opportunity for the training of men in a real school of journalism.

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These two features were exhaustively and eloquently presented by Mr. Harvey, and do not need to be reinforced by further reasons or even statement.

It is intended in what follows rather to consider briefly the general, far-reaching, beneficial influence such a University journal would have upon the life of our undergraduates.

Already in our larger Universities there are maintained publications which are daily newspapers in name, and which are frequently profitable to the students conducting them, though they have few, if any, general news items; while their advertisements merely testify to the heroic efforts on the part of relatives or friends of the management in securing their insertion. Chronicling, as they do, only the engagements of students in the athletic field and in the class-room, they are like the Gazette of Oxford that lays no claim to being anything more than what it really is. In a certain sense, therefore, the proposed University journal would be the outcome or evolution of the present daily.

At the outset it is necessary to recall Mr. Harvey's idea, that for the supervisory heads of such a University journal there should be selected an experienced editor-in-chief and a managing editor, contributing little or nothing, but in the main censoring the contributions of the students.

With them could be associated a sufficiently large number of associate student editors, in order that all of the time of any one student need not be taken from his other duties, and that abundant opportunity might also be afforded them to write with care, and after reflection. Some students from time to time might be called upon to do reportorial work in a neighboring city, though doubtless not a great amount of effort in this direction need be expended. Editors are not necessarily made out of reporters, any more than good lawyers out of stenographers or even routine clerks.

From the beginning the students associated with the several departments of such a journal would have before them the conditions essential for all correct composition, something to say, and instruction, constant practice, and accordingly experience in the art of saying it. All the details of the well-defined business of journalism would probably not be thoroughly learned in the conduct of a publication maintained by an endowment, but its essential principles could be mastered, and in the right atmosphere, where it would come to be understood that it is not the sole pur-

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pose of a newspaper to make money at all hazards and under all conditions.

If it be said that such a publication would not be profitable in the business sense, the answer is that no department of instruction in a University is even self-supporting. Every undergraduate is in a very practical way a pensioner on the bounty of others. What is paid for his tuition represents little of its real cost, which must be provided for out of the income from funds of the University. Such a journal would have to depend for its maintenance on a special endowment, which, if possible, should be large enough to provide for a weekly periodical having the same relation to the daily paper as the "Nation" has to the "Evening Post," and there might also be a monthly magazine. The amount of this fund would necessarily be large, though doubtless the supervisory editors would be willing to sacrifice a large part of their legitimate income, just as professors in the University regard the privilege of their occupation as a substantial part of the compensation for their life-work; and there seems to be no good reason why each student should not be required to be a subscriber to such publications, and thus make an important contribution to their support.

One of two things it is reasonably certain would result. The University in which such a project should be first carried out would have, in one department of education, an immeasurable advantage over other institutions of learning, or, still better, the example thus set would of necessity be followed by them.

Yet it may well be that the collateral advantages of such publications in teaching men to think clearly and use the English language with vigor and grace and precision, of inculcating in them a true love of literature and in setting up higher standards of thought and purpose, would grow to proportions which would overshadow the advantages of training men in a real school of journalism, important as this at the present day must be admitted to be.

It is idle to deny that among the undergraduates in our institutions of learning, and with us all as a people, there is an increasing indifference to the quality of our English speech and writing. The exception is to see the student whose speech is not composed of about equal parts of inexpressive slang and slovenly English, while the writing of many of our contemporary

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authors even in what may be termed ambitious work is in the matter of style often unworthy. If it be true, as has been said, that literature is a by-product of conversation, we shall have to go far back in the institution of our reforms if we are really concerned as to the well-being of our language. We have before us no easy task, for, as Tacitus has said, the pursuit and love of letters are more easily destroyed than revived.

We no longer as of old regard our legacy of the English language and English literature as a priceless possession, and we have lost more by our neglect than we are apt to appreciate. To a large degree, taste and even conduct have been injuriously affected; high standards have been lowered and ideals lost sight of; the beneficial practice of reading aloud has been abandoned, and on and off the stage graceful enunciation of the English language has come to be a forgotten art; devotion to literature has become a task, and even the Bible, with all its literary and spiritual inspiration, is a closed and neglected book. As a substitute for what we have lost we have a smattering of knowledge concerning many subjects paraded in phraseology having no proper relation to the language of literature. As a rule, due attention is no longer paid to the use of the most appropriate words and phrases for the presentation and interpretation of ideas, and a certain nervelessness and lack of structure or a hopeless monotone in expression may be said to be the consequence even when the work is not wholly devoid of merit. To apply to many of our contemporary authors what Mr. Arthur Symons says of some critics, they laboriously hunt for and write round exact words of definition; or, to coin a phrase, we may say, the *groping* style characterizes much of the writing of to-day.

It is unusual to find recent graduates of Universities able to write with accuracy and precision of statement, even when trained for the profession of the law, though this qualification is almost essential to success at the bar. Experience shows that the most elementary instruction in the proper method of presentation of a given subject is required to be imparted to the young lawyer by the members of the firm with which he becomes associated. More than anywhere else the use of good English is to be found in a few of our journals which have set up high standards of literary excellence to which, in their editorial columns at least, they steadily conform.

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There is no separate chair at Oxford, as at our Universities, for the teaching of English; and yet we have the testimony of President Thwing of the Western Reserve University, and of Mr. Howells and others, that the speech of our undergraduates compares most unfavorably with that of students of the English University. Knowledge of pure English is presupposed in the English undergraduate and is prerequisite of all honors. The influence of the home circle, and the preparatory school, the tone of the Press, the attention paid to correct conversation and the atmosphere of the University have sufficed to bring about this result without the aid of the special instructor. Even in the preparatory schools of England the use of faulty, ungrammatical English is regarded as a badge of vulgarity, attributable to low extraction. English is attempted to be taught in our Universities — where, moreover, such elementary instruction is very largely out of place—and the result is indeed deplorable.

In an article on "English Style" in the June number of THE NORTH AMERICAN REVIEW of last year, it was pointed out that in the foremost University of our country the writing of English is taught out of a book called "English Composition," of which the professor of English Literature is the author, containing not only a few, but scores of departures from the use of correct English, and no small number of errors even in grammatical construction. As a text-book it is almost grotesque.

Professors who teach English in our Universities are not always experienced authors, or, if so, they make little use of their ability when writing books on English Composition. Frequently they have nothing of moment to say and succeed admirably in saying it. It is pitiful to think of such productions supplanting standard works on Rhetoric like the treatise of Archbishop Whately, though merely the study of even the best books on composition will not make men accomplished writers any more than would attendance at lectures about colors and brushes and canvas make men artists. Constant practice must accompany and follow the proper instruction.

In a thoughtful discussion in the November number of the "Atlantic Monthly" of last year on "The Writer and the University" Mr. Walter H. Page writes:

"Thus (I hope that I do not write too harsh a judgment) the art of writing well has come to be much neglected in our educational life; its

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value has come to be misunderstood. It has, to a degree, even come to be despised. So far from being cultivated, except in rudimentary undergraduate work, it is left almost to take care of itself. The result is slovenly expressed erudition. The result is a too low value set on good speech or good writing even by the educated class. The result is a great gap between our scholars and the rest of the community. The result is that men of learning do not deliver to the people the knowledge that is gained by science and by historical study. The result is a detachment of our universities from the life of the people, and their loss of control and even of authority over the intellectual life of the nation; for the medium of communication is neglected."

Mr. Page, for the purpose of correcting the conditions he describes, urges that men and women who propose to make literature their life-work should have the benefit of professional training by instruction in a postgraduate school.

Interesting and instructive as his presentation of the plan is, it is difficult to see how a postgraduate school, dealing merely with the teaching of writing, could be productive of the best results. When it came to putting the idea of Mr. Page into effect, insurmountable difficulties, it is to be feared, would present themselves. Even though efficient instructors could be secured for such a school, the number of young men who could afford to continue their University studies beyond the four years of their undergraduate life would doubtless not be large. Then would arise questions as to the methods to be adopted. What would be written about? To write academically is not to train the mind in the best way possible for appropriate expression. The very thing which as a rule operates to make the composition of the student on a given theme imperfect and unsatisfactory is that, as he views it, his work serves no practical end, and is a mere task with no direct object-lesson. Even Squeers knew some of the correct methods of teaching, and doubtless the boys of his school never forgot their "winder" or their "bottinney," for, as we recall, the parlor "winder" was invariably washed and the garden weeded by the pupils after their intellectual struggle with these words in the spelling class. Law students who have the advantage of the moot-court come nearer to a practical result than when studying text-books and leading cases, because what they do by way of preparation in brief and argument is to have an actual and immediate application in the moot-court, though, oddly enough, this institution of the moot-court has been abandoned in some of our

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law schools. The young lawyer, after having been made generally familiar as a student with the principles of the law, does more to make his ideas a part of himself by a short time devoted in an actual litigation to the preparation of a brief and by subsequent oral argument than he could accomplish by prolonged study. The clinic and hospital experience furnish the true training for the physician. The student who writes his essay, as is now the fashion, at the instance of the college professor, will rarely acquire that degree of confidence essential for acceptable writing. Until this results the student will probably have a view as to his style somewhat similar to that which, according to George Eliot, Amos Barton entertained as to his oratory: "though he thought himself strong, he did not *feel* himself strong. Nature had given him the opinion, but not the sensation."

Some of the articles appearing in these University publications might well be the successful result of competition upon a given theme assigned by the professor of literature after conference with the supervisory editors. Thus at the outset the student would know that superior work on his part would not mean merely perfunctory or private commendation by the professor. The writing of the theme in the first instance would be a kind of preliminary trial or weeding-out process. Then would come the advice of the editors whose knowledge of praiseworthy expression would probably be equal if not superior to that of the professor of literature. As one successful effort followed another, the young man would come to be one of the associate editors, when only a general supervision of his work would be required. Constant rivalry, not only among those who intended to adopt the profession of journalism, or even of the law, but generally among the large body of students, should naturally follow, and it is not difficult to see that amid such surroundings no prizes for popularity would be awarded to students whose conversation was cheap and slipshod and who evinced a contempt for literary aims and pursuits. Even some return like that associated with a fellowship might be connected with an editorship, and what ordinarily is but an irksome task would thus become a distinct privilege.

The best results will not be attained by the students of composition until, by constant drill, such as writing for the University publication would make possible, he is made to understand that a correct style does not consist in ornamentation or adornment,

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but in the employment of apt and appropriate words and phrases and their judicious utilization in arrangement for the adequate presentation of the varying shades of thought. As a rule, without this experience he will seek to substitute for precise phraseology and for harmony of proportions a kind of writing fundamentally wrong, but attempted to be made acceptable by decoration. Almost invariably we find in association with an unhappy inartistic selection of words ambitious attempts to write with the aid of metaphors and similes, though the authors fail to distinguish between correct and incorrect figures of speech as readily as they would probably mistake toadstools for mushrooms.

In literary production the transition is treacherously easy from that which might be distinguished by real charm to what is merely commonplace. From Shakespeare down through all the line of gifted authors until we reach Carlyle, little as we may be accustomed to recognize the fact, it is to their choice and marshalling of words, that we are able to trace much of their surpassing excellence. Emerson says we should appreciate in Shakespeare "dexterity in the use of these weapons" much more than we do were it not for the display of his "heroic strength," but this strength, even in Shakespeare, more often than we suppose, is found solely in this wondrous dexterity, if by dexterity Emerson means unerring precision. We need only open the pages of Shakespeare almost at random to have this truth brought home to us. There is the melody of language in such lines as those of Perdita:

> "—Daffodils
> That come before the swallow dares and take
> The winds of March with beauty."

At other times we find employed a wholly different kind of words, as in the apostrophe to England by the dying John of Gaunt; or when Henry IV, the King, craves in vain the sleep vouchsafed "to the wet sea boy . . . upon the high and giddy mast."

Almost with the stroke of a pen Shakespeare portrays the degradation of Antony, who

> "is become the bellows and the fan
> To cool a gypsy's lust."

When Lady Macbeth would compass Duncan's murder, her words are those of the human tigress. The foretelling by Romeo of the coming dawn is no graceful paraphrase of the imagery of

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the ancient poets, but the marvellously faithful and creative description of genius. Cordelia, with the magic of exact words, puts into a sentence the story of her sisters' infamy for the exposure of Lear to the merciless storm:

> "Mine enemy's dog,
> Though he had bit me, should have stood that night
> Against my fire."

Substitute a book synonym for a single word in the great passages of Shakespeare, and much of the splendor of the picture has faded. His words of precision are words of inspiration and of revelation.

When Carlyle thus speaks of Burns we listen to the music of our language:

"Neither will his works, even as they are, pass away from the memory of men. While the Shakespeares and Miltons roll on like mighty rivers through the country of Thought, bearing fleets of traffickers and assiduous pearl fishers on their waves; this little Valclusa fountain will also arrest the eye—for this also is of Nature's own and most cunning workmanship—bursts from the depths of the earth with a full gushing torrent into the light of day; and often will the traveller turn aside to drink of its clear waters and muse among its rocks and pines."

It is with the nobility of language that he writes of Goethe:

"He who would learn to reconcile reverence with clearness; to deny and defy what is false, yet believe and worship what is true; amid raging factions bent on what is either altogether empty or has substance in it only for a day, which stormfully convulse and tear hither and thither a distracted expiring system of society to readjust himself aright; and, working for the world and in the world, keep himself unspotted from the world,—let him look here."

From the mouth of Cagliostro we hear the ominous mutterings of the coming upheaval in the social order of a great nation:

"Does the EMPIRE OF IMPOSTURE waver . . . as it rocks and heaves, not in travail throes but in death throes? Yes, Light rays, piercing clear that salute the Heavens; lo, they kindle it. Their starry clearness becomes as red Hell-fire. IMPOSTURE is in flames, Imposture is burnt up, one Red-Sea of Fire, wild, billowing, enwraps the world; with its fire-tongue it licks at the very Stars."

True enough it is that such illustrations may suggest the counsels of perfection, but a faithful study of the unfailing exactness in the choice and use of words by the literary masters will recall some of the fundamental principles of correct composition. And when the infinite variety, adaptability and resources of our vocabulary with the requisitions it has made upon all the great

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tongues is understood by the experienced writer, trained in the right atmosphere by study and practice, it is possible for him, having something to say, to attain to a style which will have the distinguishing merit of precision and strength and grace, and on occasions, of great wealth of utterance. Certainly men who drink at such fountains of inspiration will not thirst any longer for the ignoble, debasing things in literature, nor will they be satisfied with much that is proffered to us by the authors of to-day.

Take, now, as an example of the prevalent methods of writing, selections not from a student's composition for submission to the professor of literature, but from a recent address by the president of one of our most important Universities to the representatives of another well-known University:

"True democracy, therefore, while seeking by all possible means to improve the quality of its legislatures, and to make them representative of principles and ideas rather than of special and local interests, will strengthen the Executive *arm* and *protect* it from legislative *invasion* in matters purely administrative."

Throughout the address—which was distinctly elevated in tone—there appear similar infelicities of style which it would be impossible for the most friendly critic to commend.

To such a pass have we come that the following quotation from a reprint by a prominent American publishing house of the "Thackeray" by Anthony Trollope in the "English Men of Letters" series is permitted to pass unnoticed:

"At the usual evening hour the chapel bell began to toll, and Thomas Newcome's hands outside the bed feebly beat time—and just as the last bell struck, a peculiar sweet smile shone over his face, and he lifted up his head a little, and quickly said, 'Adsum'—and fell back. It was the word we used at school when names were called; and lo, he whose heart was that of a little child, had answered to his name, and stood in the presence of his Maker!"

"His Maker" is called upon by the compositor to do service for "the Master," of Thackeray, precisely as false and spurious expressions are substituted by many authors of to-day for what should be true and genuine.

Though the highest art of expression were not developed in the University publications, certainly we should not find the student guilty of such lapses in himself or tolerant of them in others as appear in the examples just given; and, judging from experience, it would be unreasonable to expect that anything approaching

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like benefit would result from the postgraduate teaching recommended by Mr. Page, or from the adoption of any other expedient yet suggested for the correction of the conditions whose existence we must all concede.

Then again, even this relative advantage of inculcating a correct style in speech and writing is in itself but means to an end, for we may readily believe that the whole atmosphere of the University would be purified and invigorated through the wholesome influence of such publications. What the accompanying revival of a real love for literature would mean to young men in their student years and afterwards when they have gone out into the world is scarcely to be estimated or even guessed at, and it is not extravagant to think that it would have its marked effect upon the productive as well as the appreciative side of literature. Literature of itself, as John Morley says, will not make fine citizens; but the pursuit or even love of it will do more in this country than any other single agency to fit men to face the solemn responsibilities which are a part of the privilege of citizenship, while at the same time it would enable us to appraise at its true value much of the demagoguery and humbug now preached among us by priests of the new gospel of a cheap denunciation.

The student with muddled thoughts, poor enunciation and feeble expression is blind and deaf to the finer things of life and unsuited for the highest enjoyment or service. Give him tasks which he will come to understand as having an intimate relation to the true aims of existence, and his intellectual and spiritual horizon will have been appreciably widened. He sees things in their true perspective; and listening to the music and learning of the mystery of the universe, he looks out upon life from college windows, and readjusts his conception of ambition and purpose for the world of activity he is to enter. We may well believe that a group of such young men going out from our Universities, aglow with ardor, would, year by year, recruit the ranks of that righteous remnant in which Matthew Arnold, in company with all thoughtful men, believes is to be found the saving grace of our nation.

In this country, more, perhaps, than in any other land, do the ever-thickening problems of existence present themselves.

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The student, fresh from his peaceful University surroundings, is suddenly to be confronted, among other things, with the poverty and misery of his fellow men; with crude, ill-considered measures for the relief of public ills, and with socialism or anarchy stalking abroad with busy, unruly tongue, and sometimes with knife and bomb when it concludes that the time for talk has gone by. On the other hand, our life of to-day is throbbing with momentous impulses. Not the dogma of the church, but its creed of righteousness, is being preached among men. The obstructions to the progress of the world, behind which lie entrenched its selfishness and greed and indifference to the needs and even the rights of others, are being carried by assault by a great army of men consecrated at the altars of self-sacrifice to the regeneration of the thoughts and the hopes and the ideals of mankind. Amid the conflicting forces of such environment, the graduate who is to perform his duty to society will in large degree find his contribution to be distinguished or ignoble according as, in proficiency to use his mother tongue, he is fitted or unfitted for the task. Even in a very practical sense and quite apart from any spiritual considerations, mastery over expression means mastery over men and mastery of opportunity. If their vision be not clear, men cannot hope to assume leadership of others; on the contrary, they themselves are bound throughout life to be in the ranks and liable to stumble even there.

Not often is it vouchsafed to one, as it has been to Mr. Harvey, to suggest an idea for the advantage of a whole people. We owe him a debt of obligation, to be discharged also to the man and to the institution with the public spirit to make the idea a reality. The architect with a great plan has appeared; the builders ought not to be wanting.

Under the dome of St. Paul's Cathedral, standing aloft amid the ebb and flow of the never-ceasing energy of London, there is a tablet to the glory of Sir Christopher Wren: "*Si monumentum requiris, circumspice*"; a like tribute should be the portion of those who make possible this new creation that, to the imagination of men, will be as a true temple of learning, from which will go forth, year by year for all time, the long procession of splendid youth disciplined in thought and utterance and quickened in culture and in aspiration for their service to the world.

JOSEPH S. AUERBACH.

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NEW BOOKS REVIEWED.

BY CLAYTON HAMILTON, GRACE ISABEL COLBRON, F. M. COLBY AND HENRY JAMES FORMAN.

"THE SERVANT IN THE HOUSE."*

MR. CHARLES RANN KENNEDY'S extraordinary play, "The Servant in the House," which is enjoying a prosperous career at the Savoy Theatre in New York, has just been published in reading form and is thereby made accessible to readers throughout the country. Like all good plays, "The Servant in the House" was intended primarily for production; and there can be no doubt that the success of the play in the theatre is to some extent due to the fact that it is being acted by the ablest company of players which could be assembled for its special purpose. Yet the play reads as well as it acts, and is worthy of studious consideration in and for itself. It presents a novel, daring and momentous theme; it exhibits an interesting group of characters drawn, for the most part, with a profound sense of life; it is compact, direct and masterly in structure; it is elevated and often eloquent in style.

The action passes, early on a spring morning, in the living-room of an English country vicarage. The lives of all the little group of people who constitute the Vicar's family are jangled, out of tune and harsh. The Vicar knows his life to be a lie, because he has attained preferment mainly by trampling down his brother Robert. The latter, dejected and embittered by injustice, has sunk to the lowest levels of life. The Vicar's wife has been led astray by an inordinate ambition to advance her husband in society. Her brother, the Lord Bishop of Lancashire, is an abject slave of Mammon, a worshipper of worldliness.

* "The Servant in the House." A Play of the Present Day, in Five Acts. By Charles Rann Kennedy. New York: Harper & Brothers. 1908.

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Robert's little girl, Mary by name, has been taken from him by his brother and brought up in the Vicar's house; but she is unsatisfied and perturbed, because all knowledge of her father (whom, in her dreams, she idolizes) has been hidden from her. Each of these people is, in spirit, tangled and awry, because each has left the path of truth and wandered into error.

The play shows how all these tangled lives are straightened out (excepting only that of the Bishop, who is already damned) by the ministrations of a servant from the East, named Manson, whose character is a replica of that of Jesus Christ. It is explained that this servant, who has appeared quietly and unannounced, is a long-lost brother of the Vicar and Robert, who has lived for many years in India, and who there (as the Bishop of Benares) has organized a mighty Church; it is also hinted that he may be the Messiah reincarnate. By the influence of his presence, divinely human and humanly divine, he leads the other characters out of error into truth, and prepares them to take up, in the spirit of brotherhood and love, the lives that God intended them to live.

This lofty theme is handled, for the most part, in a lofty way. Occasionally, however, the reader is made to feel a certain incongruity between the spirit and the letter of a scene. But this defect, it seems to me, can hardly be avoided in any play which presents a romantic story in a realistic guise. Whenever events which have the very look and tang of actuality are employed to suggest a meaning symbolic and remote, it is very difficult indeed to harmonize the two appeals so intimately that they will produce upon the mind an impression which is single. Either the symbol will be dominant and will give the lie to actuality, or else the sense of actuality will overwhelm and crush the symbol. This inevitable discord between the two concomitant appeals is to a great extent avoided in Mr. Kennedy's drama; but every now and then it makes itself evident. The Bishop is merely a type of overemphasized depravity, set up to be satirized. In the last act, Robert is unpleasant at unnecessary length in his description of the symbolic drains and cesspools and charnel horrors beneath the foundations of the church. Here and there throughout the play an occasional line sounds violently out of character. For instance, when Mary, referring to the Bishop of Benares, says to Manson (who is himself the Bishop),

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"Think of the very biggest person you ever heard of in this world," Manson replies, "In *this* world: that sounds rather like—— Does he give free libraries?" Surely a remark so ephemeral and trivial in its satire is out of keeping with the character. Also, every now and then, the author does the talking for a speech or two, instead of allowing his characters to speak for themselves. This is especially true in the frequent diatribes of the Vicar, which sometimes degenerate into rhetoric and rant. The Vicar's wife, it seems to me, is wrongly drawn. The one trait of her nature which is emphasized at the outset is her extreme devotion to her husband,—a quality for which we like her; and even though the Vicar and the author hurl against her their collaborate thunders of disapproval, we persist in liking her, until in the fourth act (which surely is too late) she reveals a real obliquity. But these defects are minor, and are matters of detail. In Manson the author has entirely succeeded in the tremendous task of recreating the character of the Christ. Robert is a heroic figure in both his phases,—heroic first in his rebellion against the violent injustice of the world, heroic later in his realization of the labor he is destined to accomplish. Mary is sweetly and sympathetically drawn,—childlike, eager, faltering and tremendously wise.

The play is scarcely less remarkable in manner than it is in matter. It is constructed with an absolute compactness. The action passes in one room, and is entirely continuous. Each of the five acts begins precisely at the point where the preceding act left off. The author also has maintained a careful symmetry in his apportionment of parts. Six out of the seven characters are very nearly equal in importance, and their lines are almost equal in extent. In confining himself to such restricted unity of place and time and to such a symmetry in the allotment of the lines, the author imposed upon himself a task of extraordinary difficulty; but his success in accomplishing this self-inflicted labor adds undeniably to the impression of totality which we derive from his achievement.

Finally, the mere writing of this play stands, in the main, upon a level with the masterly structure and the momentous theme. Perhaps the best evidence of the poetry which pervades and frequently exalts the lines is given by a speech of Manson's in the second act, describing the Church that he has founded:

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"You must understand, this is no dead pile of stones and unmeaning timber. It is a living thing. . . .

"When you enter it, you hear a sound—a sound as of some mighty poem chanted. Listen long enough, and you will learn that it is made up of the beating of human hearts, of the nameless music of men's souls—that is, if you have ears. If you have eyes, you will presently see the church itself—a looming mystery of many shapes and shadows, leaping sheer from floor to dome. The work of no ordinary builder! . . .

"The pillars of it go up like the brawny trunks of heroes: the sweet human flesh of men and women is moulded about its bulwarks, strong, impregnable: the faces of little children laugh out from every corner-stone: the terrible spans and arches of it are the joined hands of comrades; and up in the heights and spaces, there are inscribed the numberless musings of all the dreamers of the world. It is yet building—building and built upon."

Surely this play is literature, as well as being drama. It deserves to be seen; it deserves also to be read. The volume under consideration presents it very legibly,—the absence of italics in the stage directions being conservative of continuity in the reading. It is illustrated very beautifully with photographs of every character by Alice Boughton, and is dedicated by the author to Walter Hampden, whose revelation of the rôle of Manson has made possible the salutary appeal of the play to the public in the theatre.

CLAYTON HAMILTON.

"MEMOIRS OF THE COMTESSE DE BOIGNE."*

THROUGH two good-sized volumes — and a third is promised shortly — Adéle d'Osmond, Comtesse de Boigne, chats pleasantly of the things and people that she has seen in the course of a long life. The Countess moved about rather freely among the great social centres of Europe, and was accounted a traveller in a day when women travelled little. As was natural, she never got beyond the limits of her own class, and the rest of the world was a sealed book to her, of which she could read no more than the lettering on the cover. But within these limitations the fair writer saw much, and lived through events that have become part of history. There were many things and many people in her life worth writing about, and, being a true woman, she writes best about the people.

* "Memoirs of the Comtesse de Boigne." Edited from the original MSS. by M. Charles Nicoullaud. First two volumes, 1781 to 1814, and 1815 to 1819. New York: Charles Scribner's Sons.

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Severity of criticism is disarmed by the opening words of the Memoirs, which state distinctly that although the Countess was in some sort a writer by profession, having published two novels, she did not intend these scattered notes for the public eye. They were to be a chronicle for the use of her family, that future generations of Osmonds should be taught to love and respect the family name and the family tradition. The Countess says of herself that she "was intended by nature for the post of onlooker." But she is not the watcher on the mountain-top looking down with piercing vision into the very heart of things. She is rather the amiable hostess, forgetting herself in her guests, but for all her care of them seeing with keen feminine eye their little failings, their individual oddities. The two volumes are very readable in spite of many faults. It depends altogether on the reader's point of view. If one takes up these books expecting a clear, coherent and impartial account of the many important political events that shook Europe during the years named, disappointment is inevitable. The books have little to do with history. The political part of them is merely a burrowing in petty detail that leads the eye off the main outlines of great happenings, and told even at that with a partiality, a one-sided point of view so plainly evident that the efforts of the editor to warn the reader of it are quite unnecessary. There are endless tiresome digressions into genealogical statistics, into the minutiæ of family history that can have no possible interest for any one except a heraldic expert. But with this there is much in the two volumes that charms and delights. There are fascinating bits of characterization, descriptions of people who seem to have stepped out of some work of a famous caricaturist, and many an anecdote, personal and unimportant of itself perhaps, but quite clever enough to warrant the telling.

The childhood of Adéle d'Osmond was passed under the immediate shadow of a throne. Louis XVI, Queen Marie Antoinette, and Mesdames Adélaide, Victoire and Louise were the suns around which whirled the orbit of her family life. But this nearness to the exalted personages has not robbed the witty Countess of her keenness of vision towards them, and in the minuteness of her description of those years we see no veneering of the truth. Louis XVI is a weakling, the Queen a vain, pretty woman ambitious only to be a leader of fashion, the

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Princesses fussy, quarrelling old maids. The absurdity of court etiquette, the soul and mind stupefying influence of the proscribed *régime* of daily life in the king's house; all is clearly pictured by this woman who was brought up to it, but had wit enough to see its folly.

The terrible events of the year 1789, with their thunder of revolution and crashing of falling thrones, bring a harsher note into the amiable irony of the narrative, and a little later we find the Osmond family in Italy.

Among the interesting personalities met and described during this period is Emma, Lady Hamilton, with her famous "attitudes," her unique talent of posing in imitation of well-known statues. The Countess gives the celebrated beauty credit for some things, although she has little sympathy for her otherwise. She says, "On the whole she was a bad woman, and had a low mind within a magnificent form." One digression into detail of French family history gives us the famous letter written by Mme. de Maugiron to her soldier husband in the field:

"I am writing to you because I have nothing to do, and I am ending my letter because I have nothing to say.

"SASSENAGE DE MAUGIRON.

"(Very sorry that I am.)"

The journey to England next undertaken by the Osmonds gives occasion for the chapter on Sir John Legard and his family. Apart from the style of the English, of course, this chapter might have been written by George Meredith. Had the octogenarian novelist been born a generation earlier Sir John Legard would most certainly have been the original of Sir Austin Feverel. And the entire family life of the Legards is worthy of Meredith.

During the English sojourn we hear also the true story of Lord Burleigh and his peasant bride, whom he wooed as a poor painter. But the poet who has immortalized this tale does not lead the story on as far as does the Countess de Boigne. She tells us how the low-born Lady Burleigh was not happy in her high station, and made a wreck of her own life and her husband's.

The Countess passes hastily over the details of her unhappy marriage, which took place during her life in England. She wastes little pity on herself and goes on with her good-natured chatting about people and events, when the temptation to make much of her own story lay near.

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When Mme. de Récamier and Mme. de Staël enter the narrative it becomes more interesting again.

"(At Lyons) I was staying at the Hôtel de l'Europe and arrived late. The next day the head waiter informed me that Mme. de Staël was in the house and asked if I would receive her. . . . Five minutes later she entered my room escorted by Camille Jordan, Benjamin Constant, Mathieu de Montmorency, Schlegel, Elezear de Sabran and Talma. I was very young, and this great celebrity with her extraordinary escort overwhelmed me at first. . . . I dined with her, and in the evening we went to see Talma in 'Manlius.' He played for her rather than for the public, and was repaid by the delight which she felt and which she communicated to others. . . .

"At first she seemed to me ugly and ridiculous. A big red face, a complexion by no means fresh, and her hair arranged in a manner which she called picturesque—in other words, badly done; no fichu, a white muslin blouse cut very low, arms and shoulders bare, no shawl, scarf, veil of any kind. Such was the strange apparition which appeared in a hotel room at midday. She held a small twig which she was constantly twiddling in her fingers, with the object, I think, of showing off a very beautiful hand, though it was but the finishing touch to the eccentricity of her costume. At the end of an hour I was completely under her charm, and throughout her intellectual enjoyment of Talma's performance I watched the play of her features and was surprised to find her almost beautiful."

A delightful touch, one of many delightful things in this chapter on Mme. de Staël and the life at Coppet, is the remark of the great wit when her latest lover, the young Spaniard Rocca, makes some foolish conventional remark. "Ah," exclaims Mme. de Staël, "human speech is not his language." Whereat the Comtesse remarks to herself that the phrase always struck her "as the outcry of a clever woman in love with a fool."

Napoleon naturally finds little favor in the eyes of the loyal Orleanist Countess, but she makes a noble endeavor to be just to him. She is outspoken in her condemnation of the follies of the extreme Royalists before and during the Restoration, the follies that made the Hundred Days possible. And once or twice during this period the writer seems to come out of herself and touch on things in a broader manner, with a surer touch of bigness than the rest of the book can show.

The second volume has the faults and the good points of the first. The Countess is with her father and mother in official position in Turin and in England. She has much to say of high society and of the dulness of it in either place. She digresses

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as tiresomely, she hurries over important events as incoherently, and piles on the names and dates as entangledly as in the first volume. But also does she chat as charmingly and continue her delightful pen-pictures of people, all tinged with the glow of keen humor and a genuine feminine delight in gossip. There is a good deal of padding for a little lightness in these volumes, but on the whole one is repaid.

GRACE ISABEL COLBRON.

"DRAMA AND LIFE."*

THERE is an incidental remark in this volume to the effect that the readers of dramatic criticism are neither the players nor the playgoers, but the people who stay at home. That is a desirable state of affairs, but by no means attained in this country, where dramatic criticism inferior to Mr. Walkley's in every respect still influences a large body of hesitating playgoers and even decides the question whether they shall go or not. Time and again the life of a play has hung on the judgment of professionals, and playgoers seem not to have learned by experience how capricious that judgment is. Our stage commentators are the victims of the strange and cruel system that compels men to write with extreme rapidity and at uncomfortable hours on subjects for which, after the first flush of inexperience, they have no mind. The man who has seen eleven commonplace plays successively and under compulsion is the last man to choose for writing about the twelfth. Unless he has great vital stores to draw upon, he is a damaged and depleted person, incapable of a philosophic or even a merely human point of view, and certainly no fit spokesman for simple, free-born, playgoing folk, who sleep when they feel sleepy, go home when bored, and who, above all, when they have nothing to say recruit themselves by a natural, healthy and nutritious silence. And the American play-reviewer has no great vital resources. Four years or so will drain him dry, and he usually turns to some other calling. Even in that short time ennui will have played strange tricks on him. He will have discriminated absurdly between exactly equal fatuities, complaisant to a "Her Own Way," very austere to a "Taming of Helen." Dozens of harmless little plays, no whit worse than many which have run for months, owe their failure to these

* "Drama and Life." By A. B. Walkley. Methuen & Co.

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sudden and unaccountable rigidities. After a most dissolute acceptance of everything that comes along, he will of a sudden straighten up with a sort of drunken dignity. The truth is, our critics generally do not know what to think, so they are constrained to invent some other form of activity. Hence the singular æsthetic or moral contortions we so often observe on the part of veteran stage commentators when there is nothing in the play to account for it. It is the forced gait of a goaded mind on the stretch for a journalistic opportunity. Hysteria is a godsend at such a time, when the chief problem is how to feel at all; and no one can blame them for losing all sense of proportion and riding the first moral hobby that comes to hand, defending the American home against Ibsen and warning our female seminaries against Mr. Bernard Shaw. But although the discourse of these unfortunates would seem to be not at all suited to adult playgoers, it is as a matter of fact addressed to them and read by them almost exclusively. Mr. Walkley's people who stay at home reading current dramatic criticism have no counterparts over here. It may be because no volume of dramatic criticism at all comparable to Mr. Walkley's could be compiled from American sources.

He is not only the shrewdest English-speaking critic of the stage to-day, but so agreeable a writer that he can be read with pleasure by people who have little interest in his subject. For one thing, he writes always of the effect of a play on himself personally, and not as a representative of this or that imaginary group of duly educated or æsthetically orthodox or morally stainless "leading citizens." He scouts the notion that the best acting consists of self-suppression, of sinking one's self in the part, or that the best drama is impersonal. He quotes Bagehot, "After all, an author does not keep a tame engine to do his writing for him." Apropos of Barrie he says, "We must not be duped by the cant about the 'impersonality' of drama. Like any other art, drama is in the last analysis a revelation of the artist, and Barrie's plays charm us because we are aware of a lovable nature back of them." He declares that the object of the theatre is to give pleasure, and that would seem to be a matter on which each man must think for himself. Of certain meticulous Elizabethan stage revivalists he says, "These efforts have their place in an educational curriculum, but none in the catalogue of pleasures.

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. . . We of to-day go to the theatre with precisely the same object as the playgoers of Shakespeare's time—to be interested and amused." And in writing his commentaries he himself is not "duped by the cant about the impersonality" of dramatic criticism. The situation is a simple one and not involving any very awful social responsibilities. He is one man seeing a play and reporting faithfully its effects on him—not a Royal Commission, Committee of Public Safety, organ of public opinion, consensus of the right-minded or chairman or vice-president of any sort of public enterprise for the promotion of collective thinking. It is a great point gained when a dramatic critic remembers that there is only one of him. Mr. Walkley does not write as a class or even as an institution.

We wish he had included in this volume some specimens of his comment on the ordinary tiresome little market play of the moment. Would the subject have reduced him to its own dulness as it does our critics? In these papers he has descended no farther than Mr. Henry Arthur Jones, and we have no means of knowing how he would bear up under the usual stage piece, whether he would still be worth reading even in his critical despair—the supreme test in this profession. Here he writes only of matters that are ponderable—the development of the drama in England and France, the contrast between the best modern English plays and the French, Aristotle's "Poetics," changes in dramatic forms, the art of acting, specific plays in some respects noteworthy, such as Shaw's, Barrie's, Pinero's, revivals of Greek plays and of Shakespeare, and the work of the best players, Irving, Duse, Bernhardt, Réjane. The purport of his chapter on "Modern English and French Drama" is that "the transformation of the old drama of rhetoric into the modern drama of illusion is the artistic outcome of a mechanical transformation—the transformation of the platform-stage into the picture-stage." In the following passage he anticipates the new turn in Shakespearian criticism:

"Shakespeare was no more free than any other man from the material limitations of the theatre in which his plays were produced; and it is in those material conditions that the explanation of his craftsmanship is to be found. We have seen S. T. Coleridge and Bodham Donne, two men of letters, explaining Polonius, one solemnly, the other half jocularly, by purely literary and logical means. To this day our Shakespearian commentators, in the seclusion of their studies, pursue this

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false method—the bookman's method—of exegesis. If they would only come out of their studies and look at the stage—at some picture or model of the Elizabethan playhouse—they would save themselves the discovery of many mares' nests."

This method has since been applied, perhaps too diligently, in several volumes, and every Shakesperian commentator nowadays has his fling at the bookmen.

The French, he says, "were the first to create what is legitimately entitled to be called modern drama," and this does not date from the Romantic movement of the thirties, for the theatres at that time were given over to the "old drama of rhetoric." Hugo "was not the first of the modern dramatists; he was the last of the rhetoricians." The first of the moderns, according to Mr. Walkley, was Dumas the elder, who

"hit in *Antony* upon the great modern dramatic theme, the conflict of passion and the social world, of the individual and opinions—the very stuff of which his son's plays were afterwards made. . . . 'The ideas of Augier and Dumas *fils* were ideas about society, its economic structure, its hierarchy of castes, its pressure on the individual; and they were ideas about private ethics, the relations of men and women, fathers and children, the disparity between the Civil Code and the moral law. In other words, these men made the French drama, in Matthew Arnold's phrase about poetry, a "criticism of life."'"

Hence the modern French "thesis-play," which in its extreme form is "conditioned not by the probabilities and proportions of life, but by the mathematical requirements of the thesis, and the consequence is that you cannot believe a word of it." The French stage is "suffering from intellectual hypertrophy," and he sees no sign of recovery. It is, at any rate, not to be cured by Rostand, whom he calls an "inspired schoolboy" with a facility for turning "anything into metre—gasconades, a duel, patisserie, a protuberant nose, the Old Guard, a battle-field, Napoleon's cocked hat, what you will." The English stage is at the other extreme—"unidea'd" and incoherent. "What Mr. Jones or Mr. Pinero is driving at remains an inscrutable mystery." "Mr. Shaw's plays do not count as plays at all."

Elsewhere he deals fairly with Mr. Pinero and Mr. Shaw and imparts some of the pleasure he has derived from them, but his love of French logic and trimness and perfectly definite "ideas" carries him too far. "Beyond cavil," he says, "'*Le Dédale*' confers upon M. Hervieu the primacy of the contemporary French

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stage," and with "*Le Dédale*" Mr. Walkley is apparently quite satisfied. It is, indeed, technically without a flaw, a marvel of precision, and immediate dramatic effectiveness. But it achieves so fully what it attempts because it attempts little. Admirable economy of French art with its hatred of waste or irrelevancy! Such is the blight of dramatic criticism as practised to-day. The man is pulling a different way from his critical principles. But Mr. Walkley's nature is by no means subdued to what it works in; he breaks a good many of his own laws and is not always consistent or logical. His "Drama and Life" is like some of the plays he enjoys, but condemns. It has in places broken the mould of current dramatic criticism. It is the better reading on that account, and may be commended even to those wise persons to whom the present English stage is a subject of little interest.

F. M. COLBY.

O. HENRY'S SHORT STORIES.*

FOR the first time since the eclipse of Mr. Kipling the short story is again beginning to make public appearance between book-covers. Publishers still look upon it somewhat askance, as on one under a cloud, and authors, worldly-wise, still cling to the novel as the unquestioned leader. But here and there a writer now boldly brings forth a book of short tales, and the publisher does his part. The stigma of the *genre* is wearing off, and for the rehabilitation one man is chiefly responsible.

Mr. Sidney Porter, the gentleman who, in the language of some of his characters, is "denounced" by the euphonious pen-name of O. Henry, has breathed new life into the short story. Gifted as he is with a flashing wit, abundant humor and quick observation, no subject has terrors for him. If it be too much to say, in the old phrase, that nothing human is alien to him, at least the larger part of humanity is his domain. The very title of one of his books, "The Four Million," is a protest against those who believe that New York contains only four hundred people worth while. O. Henry backs the census-taker against the social arbiter. The rich and the fashionable are,

* "The Four Million," by O. Henry: McClure, Phillips & Company, 1907. "The Trimmed Lamp and other Stories of the Four Million," by O. Henry: McClure, Phillips & Company, 1907. "Heart of the West," by O. Henry: The McClure Company, 1907.

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in his tales, conceived much in the spirit of similar characters in melodrama, except that the ingredient of humor is put in to mitigate them. Indeed, they figure but seldom. But the poor and the lowly, the homeless lodger of the city park, the vagabond of the "bread line," the waitress, the shop and factory girl, the ward politician, the city policeman, the whole "ruck and rabble" of life, so meaningless to the comfortable, unobservant bourgeois, are set forth always with keen knowledge, with a laughing humor, and not infrequently with a tender, smiling pathos. As this panorama of the undenoted faces of the great city passes before the reader, he becomes his own Caliph Haroun-al-Raschid, and New York a teeming Bagdad, full of romance and mystery.

The facility, the light touch of O. Henry, his mastery of the vernacular, his insight into the life of the disinherited, make it needless for him to resort to such inventions as Stevenson's learned Arabian, imaginary author of the "New Arabian Nights." The piquant and picturesque phrasing, the dash of slang, the genial and winning fancy seem to carry off the most fantastic situations. The Touchstone, the jester, the merry-maker has always enjoyed a certain license if he had but the wit not to abuse it. O. Henry's fun is never of the slapstick variety and his pathos never bathos.

We are shaken with sad laughter at the many and divers attempts of the park-bench vagabond, Soapy, to be arrested and sent to the workhouse for the winter months. He eats a meal and does not pay, he steals an umbrella, he accosts unescorted women, but all to no purpose. The police seem to regard him "as a king who could do no wrong." But as he passes by a church the organ music of an anthem vividly recalls his boyhood, stirs the tramp to his depths, and he resolves to turn over a new leaf. He will seek work and be a man. Then a policeman lays a hand upon him, hales him before a magistrate as a vagrant and the city's swirling machinery of the law sends Soapy to "the Island" after all. And the author smiles with tender compassion over this poor shuttlecock of fate.

With no less humorous kindness does he deal with 'Tildy, "the unwooed drudge," the plain little waitress in an Eighth Avenue chop-house. All the hurrying *clientèle* of that eating-house admired Aileen, who "was tall, beautiful, lively, gracious and learned in persiflage." But no one had a word for 'Tildy of

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the freckles and the hay-colored hair, until one day a tipsy laundry clerk put his arm round 'Tildy's waist and kissed her. For a brief space that transformed her life. 'Tildy the unnoticed began to bind ribbons in her hair, to prink and to preen after the fashion of daughters of Eve. "A gentleman insulted me to-day," she modestly informed all her customers. "He put his arm round my waist and kissed me." And as the diners turned upon her the stream of badinage hitherto directed at Aileen alone, 'Tildy's heart swelled in her bosom, "for she saw at last the towers of Romance rise above the horizon of the gray plain in which she had for so long travelled." 'Tildy had a thrilling sensation of fear lest Seeders the laundry clerk, in a mood of jealous love-madness, rush in and shoot her with a pistol. This she deplored, for no one had shot Aileen for love, and she did not wish to overshadow her friend. When Seeders does come in it is only to apologize, with the plea that he was tipsy. 'Tildy's towers of romance crumble to earth. The glory fades suddenly, for it was not love at all that actuated Seeders. But Aileen the staunch-hearted comforts 'Tildy in her sorrow, for if Seeders "were any kind of a gentleman," she tells her, "he wouldn't of apologized."

"The Trimmed Lamp" is of a piece with "The Four Million," filled with the tragi-comedy of life much as it appeared to Dickens and to François Villon. In "Heart of the West" the author exploits a vein that many have attempted in the short story as well as in the novel—the so-called "wild West." But no one, it is safe to say, has brought so much fun and humor to the Western story. Cattle-king, cowboy, miner, the plains and the chaparral—material of the "dime novel," but all treated with the skill of a Maupassant, and a humor Maupassant never dreamed of. The merest sketch of them has a certain substance to it. Yet it is idle to compare O. Henry with anybody. No talent could be more original or more delightful. The combination of technical excellence with whimsical, sparkling wit, abundant humor and a fertile invention is so rare that the reader is content without comparisons.

HENRY JAMES FORMAN.

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WORLD-POLITICS.

LONDON: PARIS: WASHINGTON.

LONDON, *April, 1908.*

I GAVE up my last letter to an attempt to elucidate the education problem in England and the nature of the solution put forward by the Government. This month a question scarcely less vital to the national well-being and in some ways even more controversial has to be considered—I mean the licensing question. The Government have brought in a Licensing Bill which has aroused a veritable tornado of opposition among brewers, distillers and all who have any financial interest in the liquor trade. Four years ago Lord Rosebery declared that if the State did not control the traffic in drink, the traffic in drink would control the State. That is the fundamental issue which is now being fought out. In other forms you are already sufficiently familiar with it in the United States.

The British people spend over $800,000,000 a year on drink. The revenue derived from it—some $180,000,000 annually—more than floats the British navy and amounts to twenty-eight per cent. of the total revenue of the kingdom. About $1,500,000,000 has been invested in the trade in the British Isles; over 110,000 premises are licensed for the sale of alcohol; some seven thousand registered clubs are in existence, a great many of which are simply unlicensed drinking-shops, free from any form of supervision; and the number of people who hold shares in brewery and distilling companies must run into many hundreds of thousands. Moreover, most of the saloons in this country are what is called "tied" houses. That is to say, they are owned by the brewing or distilling companies, whose influence thus finds a local rallying-point in every town and village in the land.

Now it is clear that the attitude of the State towards a business

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so huge, so pervasive, so militant, so intimately related to the social life of the people, and so productive of revenue, must always be a matter of supreme importance. In Great Britain, as everywhere else, there is no free trade in the sale of intoxicants. Sale is only permitted by license, the number of licenses is limited, their duration is confined to twelve months, and at the end of the year they must all be renewed. No holder of a license possesses a legal right to have it renewed. Renewal may be refused at the discretion of the local licensing justices (subject to appeal to quarter-sessions) for various reasons—*e. g.,* if the saloon has been improperly conducted or if there are too many of them in the district. I think there is no question that the legislature intended licenses to be the property of the State, liable to termination at the end of any twelve months, and that in point of law the license-holder has no vested interest in his license beyond the period of one year. The point has, indeed, been definitely established more than once by judicial decisions. On the other hand, the license-holder has the reasonable expectation that his license will be renewed unless on grounds of gross misconduct. And this "reasonable expectation" has naturally developed a monetary value. The licensing justices have hesitated to cancel licenses. They have been inevitably reluctant to take away a man's livelihood. The result is that a well-conducted saloon has had little or nothing to fear from the annual formality of renewing its license. Moreover, the State by levying death duties on licensed premises on the basis of the license being a continuing possession; the local authorities by proceeding on the same assumption in the matter of assessments; and the courts of law by protecting the rights of those interested in the reversion or remainder of a license—have all shown that the expectation of renewal is all but a certainty.

And in this expectation, which is all but a certainty, many millions of pounds have been invested. The brewers, as I have said, have acquired control of the licensed premises, often at extravagant prices, and they figure of course among the assets of the brewing companies. Thus the situation has become immensely complicated by the fact that a vast army of shareholders has at this moment a direct pecuniary interest in regarding licenses, not as annual privileges, which is their proper legal status, but as permanent grants. An enormous amount of capital

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has been staked on what I have called the "reasonable expectation" that licenses would be renewed. It is easy enough to say that the money should never have been so invested, that the law was perfectly clear, and that those who insisted on treating a probability as an unqualified certainty were simply gambling and cannot complain if they are now to suffer the consequences of their rashness. But as a matter of fact no Government can ignore these thousands upon thousands of innocent investors who have put down their money, for the most part, in ignorance of the facts, without looking into the pros and cons of a very intricate question, and blindly following the financial fashion of the moment. Their presence has had two important results. It has rallied a powerful body of opinion to the view that a license, instead of being an annual tenure, is virtually a freehold and has thus made any drastic remedy by the State politically impossible. Secondly, it has had the effect of popularizing the notion that compensation should be provided for every license that is extinguished.

As a consequence of these various factors it has come about that the State has practically parted with its control of the liquor traffic. It has issued annual licenses at a very low rate of duty. These annual licenses have acquired a high value principally because their prospect of renewal has been very good. They have changed hands and been bought and sold at prices which were the equivalent of a freehold and monopoly value. But from these increased prices the State has derived nothing whatever. Issuing low-duty licenses for one year, it has had the mortification of seeing them treated by hard-headed men of business as though they were licenses for all time. It has, in short, created a vast property, largely monopolistic in character, and has handed it over without receiving in return any adequate consideration. Four year ago the Unionist Government passed a Licensing Bill which in some ways perpetuated the improvidence of the State and added to the one-sidedness of its relations with the trade. The Bill went on the principle that compensation ought to be paid in the event of a license being withdrawn for any other cause than that of misconduct; and it provided the necessary funds by imposing a graduated tax on all saloons in the district, a tax locally raised and administered. The effect of this was that the license-holder found a new security given to his property,

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its value immensely increased through the extinction of rivals, and compensation provided if his license were refused renewal—all this without the State being a penny the better. The Bill was vigorously opposed by the Liberals, who made no attempt either at the time of its passage or during the general election to conceal their determination to amend it when they again found themselves in power.

This is the task to which they are now addressing themselves. It is made all the more formidable by reason of the very parlous state in which the brewery companies find themselves. Within the last ten years their shares have enormously depreciated. That is not the fault of the Government, but of the promoters. They bought up saloons at preposterous figures; they over-capitalized their companies; and they have made no adequate provision for writing down their inflated capital and the exorbitant amounts at which their precarious license values stood in their books. Moreover, people are drinking far less than they did and the conditions of the stock-market since the Boer war have depressed the values of all securities. The brewery boom is dead. I have by me a list of twenty-three of the leading companies together with the price of their shares ten years ago and to-day. The list shows that in the last decade the value of the shares in these twenty-three companies has fallen, on an average, slightly over sixty per cent. The brewers feel that if, on the top of all this, the State is now to begin harassing them and is to resume its control over the licenses that at present figure among the most imposing assets in their balance-sheets, then ruin and a wide-spread crash are inevitable. It is, of course, obvious that rigorous financial reconstruction and a resolute writing down of capital can alone restore the market in brewery shares to its old position. At the same time the immensity of the interests involved and the undoubted certainty that too stern a policy would reduce a large number of shareholders to penury or something near it, have made it necessary for the Government to deal as tenderly as possible with vested interests and to recognize the claims of equity on a liberal scale.

The Licensing Bill which they have brought forward is an extremely intricate and technical measure, but its two main objects are clear. First, the Bill seeks to provide for an immediate and compulsory reduction in the number of licenses.

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Henceforward, roughly speaking, there is to be not more than one saloon to 750 people in towns and to 400 people in the country. Secondly, the Bill provides for the gradual but complete recovery by the State of those rights in the monopoly of the drink traffic with which it should never have parted. It effects this by imposing a time-limit of fourteen years, after which compensation shall cease to be payable for any extinction of old licenses, and all applications for renewals shall be treated as though they were applications for new licenses and only issued on the basis of their full monopoly value. The Bill has other aims as well. It establishes, for instance, with regard to new licenses the right of localities to exercise a veto. It proposes a more effectual system of supervision over clubs in order that the extinction of the saloons may not be multiplied by the growth of unlicensed and unregulated drinking dens. It empowers the licensing authorities to exclude children from saloons, to prohibit the employment of barmaids, and to order the closing of saloons on Sundays and election days. It provides, too, that while the compensation fund is to continue during the next fourteen years to be drawn as at present from the trade, the methods of assessment are to be changed so that its benefits may be distributed on a fairer and more uniform scale. But these provisions, while extremely important, are of little significance by the side of the two main purposes of the Bill: to reduce the number of licenses—Mr. Asquith hopes to wipe out thirty thousand—and to recover for the State after a period of fourteen years its full control over the drink traffic.

I find it difficult to convey a true idea of the positive fury with which the trade has assailed the Bill. They denounce it as a piece of confiscatory fanaticism. They warn the public that if it passes, no property of whatever kind will be secure. They stigmatize the proposed time-limit, which, after all, merely requires the trade to find an annual sinking-fund of about five per cent. of the total value of the beer and spirits sold in the saloons, as unblushing robbery. The means they have employed to excite prejudice against the measure have, I confess, astounded me by their impudence and audacity. To meetings and pamphlets and newspaper articles and every instrument of legitimate propagandism no objection can be taken. That the trade should muster in force at every by-election and do all it can to

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defeat the Government candidate is natural and reasonable. But when it comes to wealthy brewers trying to bulldoze the Church into resisting the Bill, threatening to cut off their subscriptions to charities if it passes, menacing tradesmen with the loss of custom and working-men with the loss of employment, wailing their hypocritical appeals on behalf of the widows and the orphans who are the misguided holders of brewery shares, and replying to every argument of national policy and of social justice and well-being with the conclusive shout, "Your beer will cost you more!"—when it comes to this, and in England it has already gone beyond it, then I think the limit of political indecency has been reached.

There has never since the Liberals came into office been the least secret of how they intended to deal with the licensing problem. The brewers have foreseen this Bill for the past two years and have prepared for it. They are splendidly organized; they have an enormous campaign fund at their disposal; with the inspiring and most honorable exception of the "Morning Post," all the Unionist papers are on their side; every bar and restaurant contains a flaming petition of protest which its patrons are pressed to sign; every saloon in the country is a centre of electioneering proselytism; every shareholder is adjured in circular after circular to make his voice heard. I think myself that the campaign has been too unmeasured, that it is already provoking a reaction, and that the Unionists in the House of Commons are somewhat ashamed of their irrepressible allies. But it is none the less the fact that since the Bill was introduced a Liberal majority of about two thousand in one constituency has been turned into a Unionist majority of two thousand, that the friends of the Bill are by no means so active as its enemies, and that the Government, with three first-class and highly contentious measures on their hands at the same moment, find themselves in difficulties. The Church, I am glad to say, has stood by them unflinchingly, sinking for the time all other questions in order to forward what is felt to be a cause of crucial moment, and steadfastly disregarding both the importunities and the threats of the trade. But I see, on the whole, little chance of the Bill passing in its present form. The time-limit will undoubtedly have to be extended probably to twenty-one years, and the provision for local veto may have to be sacrificed.

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PARIS, *April, 1908.*

M. CLEMENCEAU has now been—as Minister of Interior or as Premier—nearly two years and a half in office. No European Prime Minister, not even Chancellor von Bülow, is as popular, or at least attracts as much notice in political circles. He possesses both the intelligence of the high-class journalist and the activity and energy of the political leader. In this respect he stands quite apart from the thirty or so Prime Ministers who have succeeded one another since the far-away days of the Duc de Broglie. All of his immediate predecessors viewed their responsibilities as being of the same order as those of the ornamental President, their sole superior. M. Rouvier quite rose to the occasion at the Moroccan pinch three years ago, but he soon deserted the field; M. Combes was only a bully who took good care never to stir without a Socialist bravo at his elbow; M. Waldeck Rousseau lived long enough to prove that he had been led where he thought to lead; M. Ribot was so intelligent that he never could make up his mind, and, as Jaurès finely put it the other day, in the words of an ancient, he was and still is just like the cypress, "lofty, gloomy, bearing no fruit"; M. Méline, the ex-Communist, had recanted to such an extent that he looked tame and philistinish. One might go further back and only find men anxious to give the Chamber no offence and get into no scrapes.

Of a very different stamp is M. Clémenceau. While he was Minister of Interior he so gallantly took all the burden of power off his Premier's hands that the poor gentleman's name is completely forgotten, and as soon as he became the real head of the Cabinet and had his way, he fearlessly annexed the Foreign and War Offices to his own Ministry of Interior. M. Pichon and General Picquart never take a step or say a word but it is inspired by him.

The Chamber also feels the hand of a master. In the days of M. Combes a curious institution had arisen which, under the name of *Délégation des Gauches*, did duty for both Parliament and Cabinet. This unofficial but all-powerful body consisted of a certain number of representatives from the various groups in the majority who enjoined their decisions on the government and, so long as the Premier submitted to being their obedient instrument, secured him the necessary votes. This arrangement

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worked with mathematical accuracy throughout the three years of M. Combes's tenure of office, but lost its force under M. Rouvier, and completely disappeared the moment M. Clémenceau took the reins. The Chamber follows a responsible chief quite as readily as a veiled committee, and if M. Clémenceau arouses occasional discontent among the deputies it is not because he is too firm and self-willed, but because he is too trenchant and positive and sarcastic.

The question now is,—has M. Clémenceau with all his talent and power achieved very tangible results; is it not rumored that his position is far from being as strong as it used to be? The present writer has repeatedly said that whenever M. Clémenceau makes up his mind to have the three great social reforms with which he came forward as Premier passed through Parliament and enacted in good earnest, he will not last another day. It is consequently needless to point out that there are no Old Age pensions, that the nationalization of the Western Railway is at a standstill, and that the Income Tax Bill might be discussed by a Schoolboy's Parliament just as well as by the Chamber. It is more than probable that not only will M. Clémenceau be out of office but the present Chamber will be at the end of its term before any of these measures is in actual operation. But it does not follow that the Premier's influence has been wasted, or that the country is still in the situation where he found it a few months after the downfall of the wonderful trio, MM. Combes, André and Pelletan.

Now it is a fact that while the defects of a *régime* in which the Chamber,—unless it is broken by a Clémenceau,—is absolute sovereign over President, Government and Senate appear more glaring every day, the public spirit, on the other hand, shows considerable improvement.

The Moroccan war is no longer a bugbear. The panic which brought M. Delcassé's resignation or dismissal would be impossible to-day. The idea that France was sinking thousands of men and billions of francs in a war waged to no purpose is still occasionally expressed by the indefatigable Jaurès or by some member of the Right restlessly in quest of something disquieting; but these scare-mongers find no echo. There is a comfortable feeling in the country that France is doing unhampered the very thing which, three years ago, would have seemed the acme

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of rashness and an absurd defiance to Germany. For three years the Socialist party, voiced by M. Jaurès, spread a debasing terror among the nation by repeating on every occasion: "If you interfere in Morocco, or if you seem to lean towards an English policy, or if you do not reduce your war budget, you will offend Germany and incur the risks of a war to which the war of 1870 was only child's play." This speech never failed. The Chamber has heard it and the public read it four times within the last five months without giving any signs of alarm. Eighty million francs that M. Clémenceau wanted the other day for the continuation of the war were granted by an almost unanimous vote.

The sham humanitarianism which used to ring in all the Socialist addresses and was becoming a favorite attitude with the elementary teacher as well as with the elegant metropolitan lecturer is mercilessly derided and put down by the Premier, who, without claiming to be what is generally called a disciplined mind,—he is too much of a *frondeur* for that,—is naturally averse to all sort of cant, and the reverse of a visionary. His vigor in opposing this spirit is admirable and contagious. No amount of Socialist threatening has been able to induce him to extend an amnesty to the anti-militarists, condemned with M. Hervé. One need only contrast the tone of his answers with those made under similar circumstances by his predecessors to realize that the era of jejune professions is at an end, and that sentimentalism is fast disappearing from politics as well as from literature. The speech delivered by Clémenceau at the unveiling of Goblet's monument at Amiens was a triumph of patriotism.

The Premier's battle is chiefly with the Socialists, with their spirit and organization. The power of Jaurès during the four years in which the Bloc was at his mercy was simply unlimited, and he had taken advantage of his situation not only to press on the Bills which he favored and hold over such as did not fit into his plans, but to develop—on apparently legal bases—the most formidable institution that ever threatened the peace of a country. I have already had occasion to describe the confederacy of trades-unions known as the *General Labor Confederacy,* and to point out how easy it would be for its leading committee to carry out their menace of a general strike, if ever they should succeed in enlisting the Syndicates of State Servants. Jaurès's effort is mostly turned in that direction, and the weak-

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ness or complicity of the latest Cabinets suffered a great many unions of elementary teachers and workers in the postal service to adhere to the confederacy. The men employed in the Naval arsenals, especially at Brest and Toulon, were longing to join it also, and it is probable that, had M. Pelletan remained at the head of the navy, we should have seen thousands employed in the immediate defence of the country ready to strike, under shelter of an indisputable legislative enactment. It required real courage to withstand a movement so widely spread. M. Clémenceau never flinched from what he declared from the first to be his duty, and, on at least two occasions, gave the Chamber the alternative between his giving up office and the punishment of three or four exceptionally impudent leaders.

The immediate consequences of this courageous attitude was, as might have been expected, to cow the fire-eaters in the Socialist meetings and bring them to a sense of decency. But it had another result which had been less foreseen. The old Radical party—sadly in want of a watchword since the termination of the anti-clerical campaign—were only too glad to rally round Clémenceau's patriotic colors, instead of wretchedly following in the Socialist wake, and it must be confessed that the new platform on which they are slowly finding their feet is by far the best they have known since the almost forgotten days of Gambetta and Jules Simon.

On the whole, and to put it in one word, M. Clémenceau is restoring backbone to his country, and after the hagglings and shufflings of the last fifteen years this is no mean glory.

Should the reader now ask how much of the Premier's legislative programme, solemnly read in Parliament two years ago, has become working reality, I should be obliged to give a most disappointing answer. Not one of the three or four points mentioned in the Government declaration has been gained. There is no Income Tax Law, no Old Age Pension fund, and the Western Railway is still in the hands of the company from which it was to be taken over. Plenty has been said and written concerning these measures, but nothing done. Is it the Government's or the Parliament's fault? No, it is the fault of a spirit, the greatest blemish on the present *régime*. I mean the spirit of parliamentary sham or, one might even say, of hypocrisy. The deputies light-heartedly pass impossible Acts, knowing that they

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are impossible, and trusting that when they are shown to be so by the Senate, the Government will have made room for another with other Bills, or the Chamber itself will be too near re-election to mind much.

Of the immediate future of the Cabinet I can say nothing. Its great danger lies in a barefaced coalition of M. Jaurès with no other person than M. Combes, lately made public in the "*Rappel*" and the "*Humanité*." These two gentlemen will have no difficulty in enrolling many petty greeds and disappointed ambitions, and nobody can tell what may result from base intriguing in the lobby. Under the circumstances, in spite of the shortcomings I have pointed out above, Clémenceau's fall would be greatly to be deplored. It would mean the country's relapse into the bog of politics.

WASHINGTON, *April, 1908.*

As was anticipated, the report of the Naval Committee to the House of Representatives provides for the laying down this year of only two battleships instead of the four recommended by the Secretary of the Navy. There is a wide-spread and fervent hope not only in Washington, but also in the South and West, that the report may be amended in this particular, and that, in view of the position taken by President Roosevelt in his special message on the subject, enough Republicans will co-operate with Democrats to pass the minority report of Representative Hobson, which insists upon the four-battleship programme. The majority report evinces indifferences to our retention of the second place among the sea Powers of the world, which, for the moment, we occupy, and the appended statement evinces defective knowledge concerning the preparations making by other countries for naval expansion. The revised German scheme, lately sanctioned by the Reichstag as well as by the Bundesrath, directs that four battleships of the "Dreadnought" or of a superior type shall be begun this year and every year up to and including 1911. The Japanese, on their part, are proceeding in the same direction with great energy, and they have this marked advantage over the United States, that their shipyards can turn out a battleship of the highest class within a twelvemonth. France also is taking vigorous measures to regain, what she once possessed, the second rank among naval Powers. As for Eng-

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land, not only Lord Tweedmouth, lately First Lord of the Admiralty, but Mr. Asquith, now Premier, have averred in the House of Commons that if, at the end of the present year, the Ministers find that Germany is financially in a position to carry out her revised naval programme—and she will be by means of her new loan—they will at once authorize the building of a sufficient number of first-class battleships to insure Great Britain's equality to the two next highest maritime Powers. There is no doubt that the assurance can be fulfilled, for England has incomparable facilities for building war-ships with rapidity and in large numbers. We, unluckily, cannot pretend to rival her or Japan in quickness of construction. Under all the circumstances, it seems an act of folly to cut down by one-half Secretary Metcalf's battleship programme. The only substantial plea for doing so is the alleged necessity of reducing Federal expenditure, owing to the shrinkage of the Federal revenue. The plea cannot be reconciled with the proposed huge outlay for Federal public buildings. The report is current—and patriotic Americans, who do not happen to be politicians, trust that it may prove well founded—that, if four battleships are refused in the teeth of his message to Congress, the President will veto the appropriations for public buildings. No doubt, there are enough log-rollers in the House to pass the latter bill over Mr. Roosevelt's veto, but it is scarcely credible that two-thirds of the Senate would combine for such a purpose.

Many onlookers find it hard to discern President Roosevelt's real motive for sending to Congress at this time a Special Message requesting the enactment of more rigorous laws against anarchists. The present session of Congress is fast drawing to a close and members of both Houses are impatient to adjourn, as soon as the indispensable appropriations have been made, in order to supervise primaries and conventions and to further their political interests in their respective States and Congressional districts. No new statutory impediments to immigration should be created without exhaustive debate, lest more harm than good be done, and it would probably take all the summer to assure the passage of a satisfactory measure. This, of course, must be as patent to Mr. Roosevelt as it is to members of the Federal Legislature, and it is reasonable, therefore, to interpret the Special Message about anarchists as an intimation that the Ex-

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ecutive means to employ with the utmost energy all the powers already vested in it by statute for obstructing the admission of anarchists into the country, and for the expulsion of those who are already here whenever this is legally possible. As for the circulation of anarchist newspapers, there seems to be no doubt that the Federal Government is already empowered to exclude them from the mails.

Although, thanks to the influence of its promoters, the Aldrich bill providing for the issue of an emergency currency encountered no insuperable obstacle in the Senate, there has been an agreement of expert opinion that in its present form it would have no chance of being sanctioned by the House of Representatives. It is, however, a mistake to assume that the unacceptability of the Aldrich plan practically means that no measure dealing with the subject will be adopted at the present session of Congress. On the contrary, Speaker Cannon and other leading Republicans have determined to call a caucus of the members of their party for the purpose of securing a majority for the Vreeland bill, which is a reproduction of the Aldrich bill with three modifications.

The question as to what should be done by way of rejoinder to the refusal of the Caracas Government to comply with the request of our State Department that certain claims of American citizens shall be submitted to arbitration is a very delicate one, and whether Congress will authorize the President to take coercive measures is considered very doubtful. It is even doubtful whether our Executive, in spite of the rebuffs to which President Castro of Venezuela has subjected it, really desires to pursue a coercive policy. The American claims are five in number. Two of these have already been submitted to arbitration; that is to say, to mixed tribunals, one-half of whose members were designated by the United States, and the other half by Venezuela. Those tribunals threw out the two claims. Now it is quite possible that the soundness of those decisions might be impeached on review if Venezuela would consent to a second arbitration, but, as things stand, the decisions are binding on us, and we certainly cannot afford to propound the principle that whenever the judgment of arbitrators is unacceptable to one of the parties, that party is at liberty to use battleships for the purpose of procuring a rehearing of the case. A third claim is that of the New York and Bermudez Company, which has been deprived of

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its property in an asphalt lake by the Venezuelan Courts. We cannot, with any show of decency, use force to compel the reference of this company's claim to arbitration, for the reason that the claimant does not come into Court with clean hands, having been proved to have spent over one hundred thousand dollars in abetting an insurrection against the Venezuelan Government. There remain two claims against which none of the objections specified applies. As to these, however, we seem to be estopped from taking violent measures in order to exact a submission of them to arbitration, for the reason that, at the second Peace Conference, our representatives at The Hague advocated the Drago Doctrine that force should never be used to bring about the settlement of contractual obligations, but that the creditors should be remitted to the Courts of the debtor country. Under all the circumstances, there seems to be nothing for our State Department to do but to express regret that Venezuela should maintain towards its best, if not its only, friend a recalcitrant and ungrateful attitude. We say ungrateful, because in 1896 we were ready to go to war to compel Great Britain to submit the definition of Venezuela's eastern boundary to arbitration.

There has been of late much talk concerning the refusal of Mr. Fisher, the American Consul-General at Harbin, to recognize any but Chinese authority within the zone traversed by the Chinese Eastern Railway, which, so far as the northern section of the line is concerned, is owned and operated by a Russian corporation. There is no doubt that, by the treaty of 1898, China not only granted a franchise to this company, but empowered it to protect its tracks with railway guards, and to issue certain administrative regulations for the maintenance of peace and order within a zone fifty versts in width. There ought, then, to be no clash of authority between Russia and China, for the regulations authorized by the treaty are not, on their face, incompatible with Chinese sovereignty. Such, at least, seems to be the view of the matter taken by Secretary Root, and we have no doubt that Consul-General Fisher was from the outset instructed, or now will be, to conform to it. That is to say, while recognizing Chinese sovereignty, he will not, as a leaseholder of premises in the Russian municipality of Harbin, refuse to comply with such regulations as are clearly sanctioned by the Russo-Chinese Treaty of 1898.

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THE EDITOR'S DIARY.

A Plea for Loquacity.

WHY do American women talk so little? Have they suddenly become so religious that they consider it advisable to heed even the dicta of Solomon and the injunctions of Paul? We can hardly believe this to be the case even in the Lenten period. As we have advised frequently, neither the wise king nor the eloquent apostle was suitably equipped by experience and association for the guiding of womankind; one had too many wives, the other had none; wherefore the view-point of each, though varying widely from that of the other, was prejudiced and untrustworthy. The very petulance of Solomon's language in expressing preference for life in a "corner of the housetop" rather than "with a brawling woman in a wide house" suggests the likelihood of an annoying experience still fresh in mind, else he would not have dwelt with so much particularity upon the size of the mansion. Clearly the observation was based upon an actual occurrence resulting apparently in personal chagrin and disappointment at the untoward conduct of one of the six hundred whom he had recently installed in the gilded palace. It is worthy of note, in passing, moreover, that there is no intimation in the proverb to the effect that the cozy corner on the housetop was uninhabited. Indeed, circumstantially, in view of the necessity of stowing away so many companions, it would seem quite improbable, so we may reasonably assume that the king's peevish utterance was only discriminatory and consequently as a matter of general application meaningless.

A like conclusion is not so obvious from the further observation that "it is better to live in the wilderness than with a contentious and an angry woman," but the propinquity of the remarks indicates that the two were inspired by the same obstreperous

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lady. And even at that, as has been the case usually since, the conscience of the husband seems to have been pricking even then, for he ingenuously and almost immediately adds, "Whoso keepeth *his* mouth and *his* tongue keepeth his soul from troubles"—a significant reflection and sound to this very day.

Paul's adjuration to the brethren in Corinth to forbid women to speak in the church also was made for a specific, not a general, purpose. The Corinthian women were so forward that they frequently appeared unveiled, contrary to the custom of their country, and not only spoke their minds freely in public assembly, but garbed their persons in fine raiment to attract favorable attention. Needless to add, their efforts were successful, and the meetings of the church were characterized by scenes of ribaldry and profligacy. It was only fitting and necessary, consequently, for Paul, whose first unfortunately unrecorded warning had passed unheeded, to insist that "if they would learn anything, let them ask their husbands at home"—in other words, let them remain away from the church altogether until they should be willing to "adorn themselves in modest apparel, with shamefacedness and sobriety, not with braided hair or gold or pearls or costly array," and "learn in silence with all subjection." It was a severe rebuke, and justified, but meant only for the flirts of Corinth, not for women generally. So in every instance it will be found that the occasional Scriptural injunctions of silence so frequently quoted were placed upon womankind solely to remedy local or spasmodic evils. There is no ecumenical prohibition of feminine loquacity applicable by any stretch of the imagination to women of the present day. Their growing reticence, therefore, cannot spring from religious motive or prejudice.

Can it be that Nature is reasserting her authority? We may not deny that upon all females, except those politely considered as human, she did and does enjoin submissive silence. It is the cock that crows, the gander that honks, the father bird that sings, the bullfrog that gulps, and even the masculine grasshopper that stridently rasps his wings. So to-day, in conformity with barbaric custom, quietude is imposed upon the harem of a Turk as upon that of a chanticleer, but how long since not without cause did we suppose we perceived the disappearance of the habit among civilized peoples!

Are we not, then, driven to the conclusion that women of to-

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day are beginning to talk less in the hope of thus better pleasing men? If so, while commending the motive, we would unhesitatingly question the method. American women err grievously in assuming that their actual or would-be lords dislike to hear them converse upon all suitable occasions. The mere music of their voices as contrasted with the raucous male note easily counterbalances any possible disparity in the ideas expressed. And, compared with sheer stupidity or studied sulkiness, loquacity is a joy to all mankind. Upon all grounds, therefore,—in the interest of progress and enlightenment, for the unburdening of the spirit, to enhance cheerfulness, to discourage care, to brighten the home, for sincerity's sake no less than for circumspection's, even for the preservation of peace and quiet within and without the American family,—we cry out for a loosening of the delicate tongues now so strangely and so suspiciously stilled.

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